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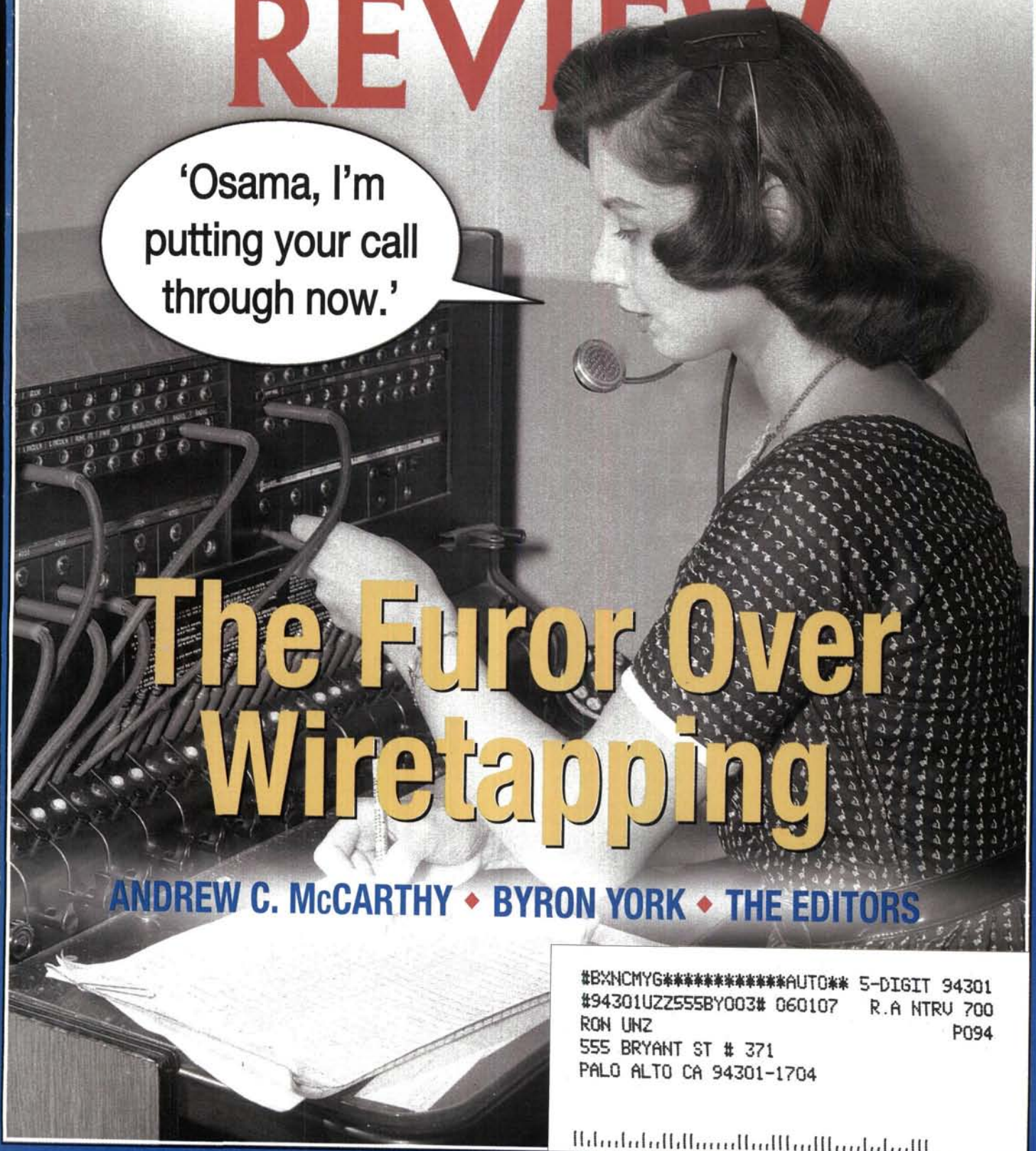
KATE O'BEIRNE: Women Who Make the World Worse

NATIONAL REVIEW



The Furor Over Wiretapping

ANDREW C. McCARTHY • BYRON YORK • THE EDITORS

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JANUARY 30, 2006 VOL. LVIII, NO. 1

NATIONAL REVIEW

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■ ON THE COVER

How to 'Connect the Dots'

Washington's scandal *du jour* involves a wartime surveillance program President Bush directed the National Security Agency to carry out after al-Qaeda killed nearly 3,000 Americans on September 11, 2001. The idea that there is anything truly scandalous about this program is absurd. But the outcry against it is valuable, highlighting as it does the mistaken assumption that criminal-justice solutions are applicable to national-security challenges. *By Andrew C. McCarthy*

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Richard Lowry

Senior Editors
Richard Brookhiser / Jeffrey Hart
Ramesh Ponnuru / David Pryce-Jones
Managing Editor Jay Nordlinger
Washington Editor Kate O'Beirne
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CEO
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Jack Fowler

letters to the editor

FRIENDS IN NEED

I must respectfully disagree with one of the historical examples in David Pryce-Jones's otherwise excellent "'Ancestral Voices Prophesying War'" (Dec. 19). In his overview of intellectuals who've supported radical causes, he sandwiches the Greek war of independence between the French revolution and the Spanish civil war. He characterizes Europeans who aided the Greeks as the usual "deceivers and dupes" who appear throughout history, but there's a critical difference here.

Lord Byron would have had to be currying favor with the *Turkish sultans*, not the Greek resistance, in 1821, to qualify as an intellectual dupe. The Greeks were fighting to rid themselves of an Islamic domination that was very often genocidal, and certainly bent on destroying the Greek language, religion, and culture—as compelling a reason for war as there has ever been. France in 1789 and Spain in 1936, by contrast, bear all the sinister hallmarks of socialist idealism. Mr. Pryce-Jones would have been more accurate if he had cited the Greek civil war of 1946, when Communist partisans nearly destroyed a country already wracked by World War II. Ironically, in his penultimate paragraph he writes that Ferdinand III fought to free Spain from Moorish occupation.

While it is true that today Europeans have given in to the "imagination" that drives grievance and totalitarianism, some parts of our collective Western history were genuine attempts to secure that most Western of concepts, freedom.

Peter K. Antipas
Trumbull, Conn.

LITTLE RED LIES

I was very interested in the item in The Week—issue of Dec. 19—on the great church of Dresden, the Frauenkirche, which has finally been rebuilt. The Communists left its remains to remind their subjects of the destruction wrought by the Allies during the Dresden bombing. I was reminded of the time I visited Dresden in 1984 (aptly) and saw at the entrance to the Zwinger Museum, which housed a magnificent art collection, a bronze plaque that read, loosely translated: "In February 1945, the city of Dresden was destroyed by British and American bombers. In April 1945, the city was liberated by the Red Army. This museum has been restored by the Broderbund of the Soviet Union and the GDR." It's a safe bet the people of Dresden did not feel "liberated" when the Red Army came marching into town. Somewhere I have a photo of the plaque, which should be displayed as a nice example of Communist-speak.

Mitch Dupler
Washington, D.C.

TOOTING OUR HORN

I look forward to each and every issue of NATIONAL REVIEW, but I must say that you outdid yourselves with the 50th-anniversary edition (Dec. 19). While I quite often pass along issues to friends and coworkers after I've read every word, this one's a keeper. The writers and topics assembled to celebrate this tremendous milestone were nothing short of genius. You've only whetted my appetite for the next 50 years.

Jack W. Warren
Towanda, Ill.

A BLUE MAG

I thoroughly enjoyed your 50th-anniversary issue, which I read from cover to cover: It was good to see so many familiar faces from issues past. I've been a subscriber for most of the years, on and off, and I remember one instance in the early days when I went to the drugstore for a copy. When I couldn't find one, the clerk asked the manager, and he sheepishly said, "They're under the counter" (just like the pornography).

Mildred L. Para
Evergreen Park, Ill.

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THE WEEK

■ So Jon Stewart's hosting the Oscars? Why don't they skip the middlemen and go straight to Howard Dean?

■ In questioning Judge Alito on one day of the hearings, Senator Biden spoke 3,673 words. In answering him, Alito used 1,013. And Biden congratulated himself on his economy—really.

■ Miners cheat death. They go into the earth, where we will all be laid, and come out alive—except when they don't. The Sago mine disaster in Upshur County, W.V., took twelve lives—a thirteenth miner is still in the hospital. Their fate was darkened by a false dawn of hope, when a state official (echoed by the media) inaccurately said that everyone was safe. When the brutal reversal came, some bashed the bearers of false tidings; some bashed the Bush administration, for relaxing mine-safety enforcement (another false story, as it happens). The last word is the Lord's. "Where wast thou when I laid the foundations of the earth? declare, if those hast understanding. Who hath laid the measures thereof, if thou knowest? or who hath stretched the line upon it?"

Listening in (see page 14)

■ Iraq held its third national elections in a year. Turnout was higher than ever before (70 percent), and most important, Sunnis participated in large numbers for the first time. Of course, the euphoria of the historic, peaceful day dissipated as insurgents quickly ramped up their attacks again. Forging the way ahead in Iraq is as much a political and diplomatic task as a military one. U.S. ambassador Zalmay Khalilzad will attempt to push Iraqis into creating a strong, broad-based government that can lessen Sunni hostility to the new Iraq. Meanwhile, the U.S. is trying to exploit growing rifts between the Sunni nationalist and foreign jihadist elements of the insurgency. Success in these areas would help grind the insurgency down to a more tolerable level, strengthening the position of the elected government and making it easier for the United States to reduce troop levels. But if Iraq gets another incompetent government (like Prime Minister Ibrahim Jaafari's current one), if sectarian lines further harden, if the insurgency continues to have the passive or active support of Sunnis, the promise of the December 15 elections might never be realized.

■ For 37 years John Murtha was in the Marine Corps, and the Marine Corps Reserve (he retired as a colonel). For 32 years he was a wheel-horse congressman. He shot to fame last fall when he called for an immediate redeployment of our troops. A resolution to that effect was defeated 403–3, but Murtha stayed in the spotlight. This month, he worried about "a slow withdrawal which makes it look like there's a victory." (Which is more important to Murtha: the withdrawal or the clear image of defeat?) He also said he would not join today's military. When the chairman of the Joint Chiefs of Staff, Marine Gen. Peter Pace, said that Murtha's statement hurt recruiting and morale, Murtha replied that the military had been in different shape when he volunteered to serve in Vietnam. Indeed it had: The military had a draft, because volunteers like John Murtha were so rare. Murtha has suddenly had to become a public strategist because the Democrats have no one more coherent, or equally appealing. (John Kerry? Ted Kennedy? Joe Biden?) The attack on our Iraq policy has to be made by a series of surrogates. For six months it was Mother Sheehan; now it is Colonel Murtha. When he wears out, the reality show will cast someone else.

■ Just when everyone knows that Saddam Hussein had no ties to terrorists, Stephen F. Hayes of *The Weekly Standard* comes along and reports that some 8,000 terrorists were trained at Iraqi camps between 1999 and 2002. The training was supervised by "elite Iraqi military units," and the trainees included Islamic militants with ties to al-Qaeda, even though—as everyone knows—the secular Saddam would never have anything to do with such types. The information on which Hayes based his report comes from roughly 2 million "exploitable items"—letters, floppy disks, computer drives, documents, etc.—that have

ROMAN GENN

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THE WEEK...

been found in Iraq and Afghanistan. Only 50,000 of these items have been carefully examined, and there is, according to the report, a dispute within the administration over whether to release large numbers of the documents to the public. We see here an opportunity for the administration to educate people—and especially those people who already know everything.

■ When the Senate failed to reauthorize the Patriot Act last month, Harry Reid was exultant. "We killed the Patriot Act," he said. *We* aren't sure why he's boasting. The Patriot Act—which eliminated the "wall" that prevented law-enforcement and national-security agents from sharing information—has allowed the government to disrupt several terror plots, break up terror cells, and conduct a series of successful prosecutions. It has, in short, saved lives. Its most controversial provisions—including the authority it grants investigators to subpoena library and business records and to use roving wiretaps—are by no means novel techniques. They are, rather, long-established practices of law-enforcement officers—and there is no reason they should not be extended to national-security agents as well. The reauthorization bill included new oversight measures to assuage civil-liberties concerns, and set four-year sunset clauses on the most contentious provisions. But that wasn't enough to prevent the opposition of almost all Senate Democrats and some Senate Republicans—including the usually sound John Sununu. Congress eventually extended the act for five weeks, meaning that a showdown will come shortly. If wisdom finally prevails, Harry Reid will have nothing to brag about.

■ What should House and Senate Republicans do in the wake of the Jack Abramoff scandal? For the tiny number of lawmakers directly involved in it—well, tell the truth and hope for the best. For the vast majority who aren't—clean things up. Lobbying reform is the order of the day on Capitol Hill, and Republicans should get behind a measure to make the process more transparent, to force more public reporting of just which lobbyist is paid by whom to do what. But that's the easy part. Even though Abramoff was an anomaly—it's not possible to create rules that would prevent a pathological case like his—the biggest single cause of the lobbying mess on Capitol Hill is the system of so-called earmarks, that is, the thousands of private spending measures inserted into bills at the last minute. Those measures almost always benefit a single organization or business, and are usually the result of high-powered lobbying. Stopping that would not only save billions of wasted taxpayer dollars, it would also put a dent in the worst kind of lobbying. That would be a big job, but isn't it the kind of reform Republicans came to Congress wanting to accomplish?

■ The stock market rose above 11,000 for the first time since September 11. It was just the latest indication of a strong economy. We have now had ten quarters with strong growth (above 3 percent annualized). The unemployment rate, at 4.9 percent, is below the average of recent decades and falling. Carpers—given the fact that Republicans control the White House, they're Democrats—point to the weak performance of real average hourly earnings in 2005. But it's not a great reason for gloom. In the first place, this wage figure did pretty well during the last recession. It is up 1 percent from the cyclical peak in 2001. At the same point in the last business cycle, hourly earnings were down 2 percent. In the second place, one reason real wages fell for part of 2005 is that energy prices rose. Energy inflation in 2006 is unlikely to be as severe, and real wages are already regaining lost ground. They went up in October and November, and probably will turn out to have gone up in December, too. There is one final factor to consider. Because of our tax law, money that could have gone to raises is channeled into more expensive health coverage. Free-market health-care reform could boost take-home pay. Needless to say, it's not on the gloom-mongers' agenda.

■ Thanks to a recess appointment, John Bolton is doing indispensable work at the United Nations. But the recess appointment giveth and the recess appointment . . . well, it doesn't exactly take away, but sometimes it gives us things we don't want. That would be Julie L. Myers, just sworn in as head of U.S. Immigration and Customs Enforcement (ICE), the bureau that hunts down money launderers and human traffickers, and the sole enforcer of immigration law. Myers is, according to those who know her and have worked with her, a very bright and capable woman. But that does not change the fact that she has never managed an agency that comes even close to approaching the size of ICE, and has no meaningful experience working with immigration law. For the president to entrust such a novice with the security of our borders is another sign that he should take that security more seriously.

■ Chief Justice John Roberts issued the annual report on the state of the federal judiciary—his first. It was as notable for what it did not say as for what it said. In his last years on the bench, Chief Justice William Rehnquist took to criticizing, as threats to judicial independence, attempts by Congress to assert its constitutional power to limit the courts' jurisdiction. Chief Justice Roberts thinks judicial independence is threatened, too, but only by low pay and high rents. The absence of any lecture to Congress is a welcome change, and we hope it signals that the Roberts Court will show some tolerance for the constitutional interpretations of other branches of the government.

■ Pat Robertson said that Ariel Sharon's stroke was a punishment from God for—wait a minute. Pat Robertson ran for the Republican presidential nomination, and did surprisingly well (he finished ahead of Vice President Bush, the ultimate winner, in Iowa). But that was in 1988. *Five* election cycles ago. Robertson is a figure in the history of the evangelical revival, which some sociologists of religion have compared to the Great Awakening, and his TV show still reaches a large audience. But his days of stardom within his community, and of his political clout outside it, are long gone. Why does the press banner his every blooper? You don't suppose they need a Republican clerical punching bag? Or was Jerry Falwell just silent that day?

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Many in hollywood's glamour sets, who never seem to age like you or I, have a special secret to tell, and even space pioneer and US Senator John Glen stays vital with HGH.

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THE WEEK...

■ "During the next 35 years," Peter Singer wrote last year, "the traditional view of the sanctity of human life will collapse under pressure from scientific, technological, and demographic developments. By 2040, it may be that only a rump of hard-core, know-nothing religious fundamentalists will defend the view that every human life, from conception to death, is sacrosanct. In retrospect, 2005 may be seen as the year in which that position became untenable." The chief reason for this collapse? "The South Korean breakthrough" in cloning human embryos to produce stem cells. In *Newsweek*, Jonathan Alter wrote that "the brilliant scientific breakthrough in South Korea" would expose the "perverse" position of "Bush bitter-enders and the pope" on cloning. Whoops. It has now come out that Hwang Woo-Suk not only obtained the eggs he used unethically, but faked the results. There was no breakthrough in cloning in 2005. And his previous breakthrough, in 2004, was faked too. *Newsweek* now quotes a scientist as saying that the fraud is a "blessing in disguise," as money will go to better researchers. Advocates of federal subsidies for the research say that the hoax is an argument for the subsidies: They will keep American scientists—who, it is posited, are much more trustworthy than foreigners—in the game. No word from Alter or Singer. If this story is a blessing, it is only because it means an industry in the creation and destruction of human beings for research is not yet upon us.

■ On December 30, with the new year bearing down, President Bush gave free traders an occasion to toast. Shaking off the pleas of the domestic steel industry, he refused to clamp new quotas or tariffs on the import of steel pipes from China. In 2004, China sent 267,468 tons of the circular nonalloy piping into the U.S. for use in plumbing, heating, air-conditioning,

WOLFGANG KAEHLER/CORBIS

10 Million Missing Girls

REAL genocide is easy enough to spot. Hutus slaughtering Tutsis in Rwanda, for example, ain't beanbag. True, there's sometimes room for debate if the death toll isn't high enough (see the 90-year-old dispute over whether the Turks merely "massacred" Armenians or whether they committed genocide). But that's a numerical rather than definitional debate.

Metaphorical genocide, on the other hand, tends to be in the eye of the beholder. The *New York Times*'s Bob Herbert once compared Rudolph Giuliani's closing of a remedial-reading program at City College (which would disproportionately affect blacks and Hispanics) to ethnic cleansing. During the debate over the Contract with America, Congressman Major Owens declared that Republicans were "worse than Hitler" and that they were "practicing genocide with a smile." Yes, term limits for committee chairs and human slaughter on an industrial level: Clearly Newt Gingrich's scheme was the greater evil. Indeed, by my latest count 8 trillion people have used the Holocaust as a metaphor for everything from global warming (paging Al Gore), to AIDS, to, of course, chicken farming.

But there's a gray area, where the metaphor has some merit. Many deaf ideologues—not the metaphorically deaf kind—insist that the use of cochlear implants amounts to "cultural genocide." And in a certain sense they're right. Many homosexual activists argue that even looking for the cause of homosexuality is a step toward a "homosexual genocide." Indeed, many gay activists have claimed that the quest for genetic or hormonal therapies in the womb would amount to a homosexual holocaust. And again, moral-equivalence objections notwithstanding, there's some truth here (which is not to say I would be against a "cure" for homosexuality were such a thing possible).

So, given the Left's eagerness to see actions it doesn't like through a Hitlerian prism, it's hard to understand the deafening silence in response to a new study published in *The Lancet*. Canadian and Indian researchers have determined that some 500,000 fetuses were aborted every year in India, for the last 20 years, simply because they were female. That's 10 million girls never born.

Now, one need not wade into the theological or moral precepts of the pro-life movement to find this a profound shock to the conscience. And one needn't delve too deep into the liberal mind to imagine the Left demanding that NORAD fuel up the ICBMs if India were terminating homosexuals in utero.

These days liberals are especially keen on insisting that they are not pro-abortion, merely "pro-choice." Howard Dean says he's not "comfortable" with his party's language regarding abortion. Well, if that is supposed to be interpreted as a defense of abortion as a necessary but unwanted evil—and that is certainly the intent—presumably multiplying that necessary evil by 10 million would cause something like 10 million times the discomfort.

Or maybe some discomfort at all.

Girls in India (and China and elsewhere, to be sure) are being exterminated simply because they are girls, not because women can't "afford" a child or because it would interfere with their careers. They just don't think girls are worthy of life, or at least not as worthy as boys. But, on this front, eyes that can see genocide in the strangest places suddenly go blind.

—JONAH GOLDBERG

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In 1792 James Madison, the Father of the Constitution, wrote in the *National Gazette*: "As a man is said to have a right to his property, he may be equally said to have a property in his rights." This connection of property rights to human liberty formed the moral basis of the free enterprise system.

Property, as understood by Madison, "embraces everything to which a man places a value and has a right, and which *leaves to everyone else the like advantage.*" Madison emphasized these words to press home an important point: in a free society, fairness breeds peace.

The dominant understanding of rights today is radically different. One of America's leading constitutional law professors illustrates the difference when he cites "a constitutional right to a decent level of affirmative governmental protection in ... health and housing, work and schooling." In brief, "rights" has come to mean "entitlements."

This new understanding is revolutionary. Unlike Madison's rights, which exist by nature and require only government protection, entitlements flow from government and require intrusive bureaucracy. As for society, since entitlements are fueled by progressive taxation, fairness is undermined, and the resulting competition for booty spurs conflict.

Entitlements came to us from the modern university, where Madison's views are no longer welcome. But there is a college in America where he would feel at home.

Hillsdale College, founded in 1844, refuses federal taxpayer funding, even in the form of student grants and loans. Over 160 years ago, its charter document connected its mission to the cause of civil and religious liberty. With all its might, it serves that mission still today.

As an elder statesman in the 1820s, concerned for America's future, Madison wrote of the need for colleges that would cultivate character as well as intellect, and instill in young citizens a deep love of liberty informed by a proper understanding of limited government.

Education is powerful. For good or ill.

James Madison

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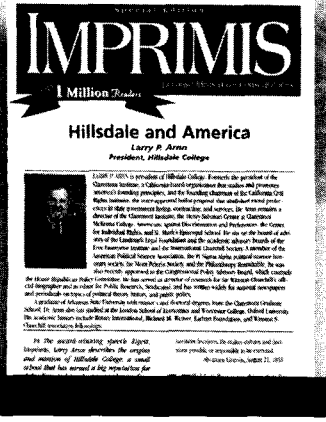
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THE WEEK...

and construction projects. In 2005, such imports increased to an estimated 370,000 tons. Directly before Bush's decision, the steel lobby was pressing for an executive fiat to cap future annual imports at 90,000. Failure to indulge their drastic proposal, they claimed, would result in a disastrous disruption of the domestic production market. In reality, what they sought was a coercively obtained concentrated benefit whose greater cumulative costs would have been dispersed across the entire American economy on the backs of ordinary consumers. By rebuffing the steel industry, Bush struck a blow against shortsighted protectionism. We'll raise our glasses to that.

■ Eliot Spitzer, New York State's attorney general, is running for governor, but maybe he should also consider running for head of one of the five families. John Whitehead, a model Wall Street elder statesman, accused Spitzer of threatening him over the phone (Whitehead had publicly stuck up for Maurice Greenberg, an executive Spitzer was investigating): "Mr. Whitehead, it's now a war between us and you've fired the first shot. I will be coming after you. You will pay the price. This is only the beginning, and you will pay dearly for what you have done." All that was missing was the horse head. Spitzer at first denied the story, then admitted that he and Whitehead were "seeing things a bit differently." Other instances of Spitzer's tough talk surfaced: He has called yet another executive a "vampire," and Mayor Giuliani a "dictator." Keep it up, and he'll be called "blowhard" and "bully," then "loser."

■ California law currently imposes a minimum wage of $6.75 per hour, which is $1.60 above the federal level. It would seem that the Golden State hardly needs to increase this amount, especially as the state's economy has to compete for jobs with its neighbors—and that's why Gov. Arnold Schwarzenegger has vetoed legislation to boost the minimum wage even further. But in his state-of-the-state address on January 5, Schwarzenegger said "hasta la vista" to his pro-business stance and called for a hike of $1 per hour. "I've learned my lesson," he said, in a speech that abandoned his budget-reform efforts and surrendered on issue after issue to the demands of Sacramento liberals. The governor also called for a gigantic spending increase; the rescinding of scheduled tuition hikes at public universities (which means taxpayers will have to pick up more of the expensive tab); and the allowing of prescription-drug reimportation. Granted, Schwarzenegger finds himself in a tough spot: He must shrug off the defeats of November, when voters rejected a series of ballot initiatives he had championed, and prepare for reelection this fall. Yet he must also remember that bloodied lips heal over time, and that if voters had wanted their chief executive to give speeches and pursue agendas that make him indistinguishable from Democrats, they probably would have voted to keep Gray Davis in office.

IT'S POIGNANT

Recalling Richard, then the source
Bleating, "My kingdom for a horse,"
The Democrats pine for a theme;
Murtha's won't do, and Howard's scream
Is wearing thin among the loons
As Bush's never-ending tunes
(No, George is not *on Duracells)*
Confirm patriotism sells.

—W. H. VON DREELE

■ The smallest of Florida's three voucher programs, the Opportunity Scholarship Program, was declared unconstitutional by the Florida supreme court. This would imply that some aspect of the program violates some part of the Florida constitution. Article IX, Section 1(a) reads, "Adequate provision shall be made by law for a uniform, efficient, safe, secure, and high quality system of free public schools." But how can an obligation to provide a service be understood as a prohibition against providing some other service? As the majority opinion explains, "Because voucher payments reduce funding for the public education system, the OSP by its very nature undermines the system of 'high quality' free public schools." There are numerous arguments that voucher programs, partly because of their reallocation of funds, lead to improvements in the quality of public schools. After all, competition benefits consumers in pretty much every other industry. The Florida legislature thought as much, and it falls within their domain to decide such things. But the Florida supreme court knew better, and, at the behest of, among others, the National Education Association and the American Federation of Teachers, it squashed the program. Gov. Jeb Bush is trying to change the program so as to keep it alive. But so far it's Education Establishment 1, Kids 0.

■ When Harry Belafonte visited Venezuela's Hugo Chávez—in the company of Prof. Cornel West and other lovelies—he called President Bush "the greatest tyrant in the world" and "the greatest terrorist in the world." Those words made headlines, and they were interesting. But what was *really* interesting was this: Belafonte said he, West, and the others had come to Caracas to "support your revolution" (meaning, a Castroite one). And he ended his remarks, "Viva la revolución!" Um, Chávez and his more sophisticated defenders say he's a democrat. It seems that Belafonte didn't get the message—and was more honest.

■ Russia started the new year by cutting off supplies of natural gas to Ukraine, its neighbor and former vassal. President Vladimir Putin is putting into practice his concept of reconstituting the Soviet Union, whose collapse, he said recently, was "the greatest geopolitical catastrophe of the century." Where the Soviets focused on tanks and missiles, Putin focuses on energy resources, and he has been gathering them all—including the gigantic company Gazprom—into his own hands. His candidate lost in the Orange Revolution that brought Viktor Yushchenko to

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the presidency of Ukraine. To raise the price of gas to Ukraine almost five-fold, and then to cut the supply, seemed like revenge in a suitably cold season. But the gas transits through Ukraine to Western Europe, where Germany, Italy, and others depend on it to a considerable extent. Panicking European governments leaned heavily on Putin, and he promptly restored supplies (at the higher price, naturally). This year, Russia presides over the G8, the grouping of the world's largest economies, and needs the goodwill of the other seven members. In the moment, Putin may have overplayed his hand, but he has found a way of showing his intention to be the master.

■ When people die at the hands of Third World despotisms, no one cares much. (Why bother with such trifles when the U.S. is busy melting polar ice caps and bombing Iraqi children?) But let us deplore, in these pages, the recent deaths of Sudanese refugees in Egypt. They had fled genocide in their own country and eventually made their way to Cairo. To protest their treatment by the United Nations High Commission on Refugees—which had denied refugee status to many of them and refused to facilitate their resettlement in Western countries—some 2,500 Sudanese set up camp in a public park three months ago. The Egyptian state, its forbearance exhausted, finally responded the only way it knew how: by dispatching 5,000 riot police with tear gas, fire hoses, and heavy batons. When the dust settled, nearly 30 people were dead. Not exactly the way we Americans deal with protesters, but don't expect the world to note the difference.

■ If there were any doubt about Iran's inclusion in the Axis of Evil, it has certainly been dispelled in the last few months. His country's nuclear program aside, Iranian president Mahmoud Ahmadinejad has grabbed international attention with his calls for Israel to be "wiped off the map," and his adamant denial of the Holocaust. Now, the Association of Islamic Journalists of Iran is pulling together a conference to examine this

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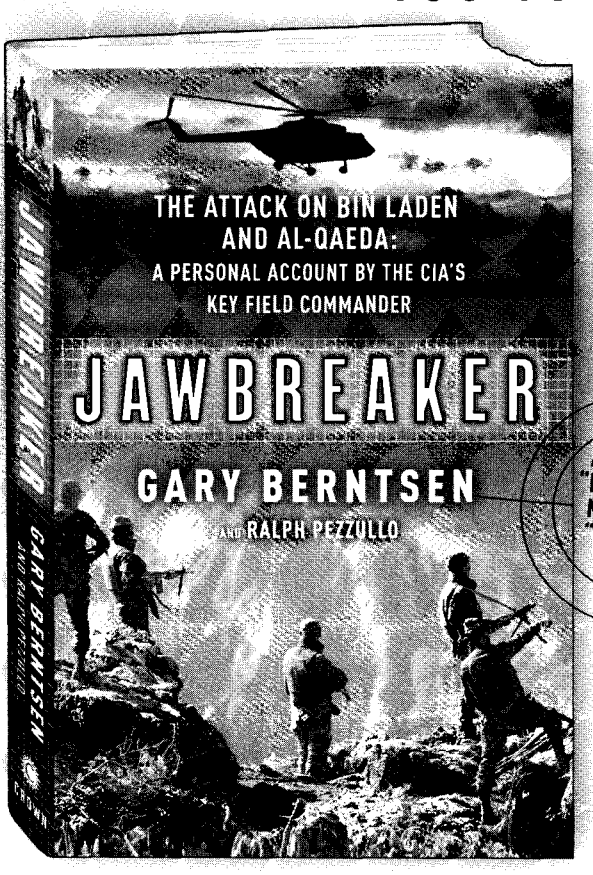
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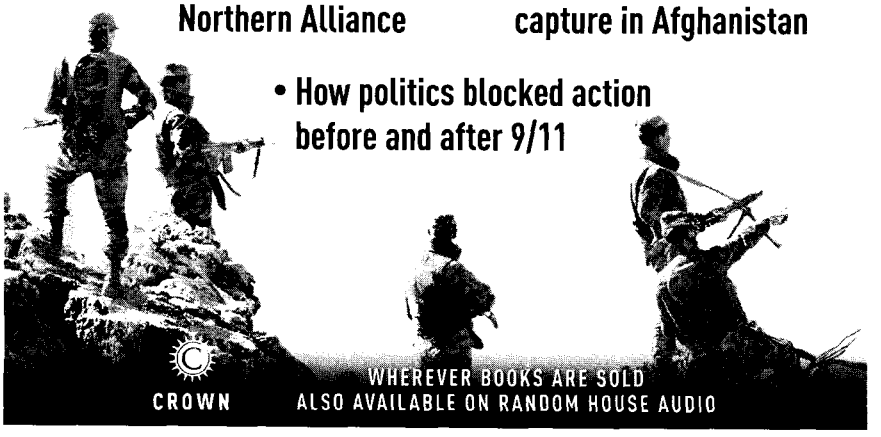

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THE WEEK...

non-occurring Holocaust. "We want to offer a free and democratic platform for the historians to examine in-depth this myth," explained a spokesman. Free and democratic, for sure.

■ Supporting the Palestinian cause is not easy. It actually cost young American "peace activist" Rachel Corrie her life when, back in 2003, she was accidentally crushed by an Israeli bulldozer while trying to prevent the demolition of some Gaza Strip houses believed by the Israelis to hide terrorist tunnels. Miss Corrie's parents have now learned that the Palestinians themselves are at least as much of a danger to pro-Palestinian Westerners as the Israeli army. While visiting in Gaza with Samir Nasrallah, grateful owner of one of the demolished houses, the elder Corries were the subject of a kidnap attempt by Palestinian gunmen. Mr. Nasrallah managed to dissuade the kidnappers by telling them about the background of his guests. The indignant Mr. Nasrallah later remarked to reporters that: "The Palestinian community is against such actions. . . . I cannot understand how these people can carry out such an action." Hard not to share his bafflement. Abducting foreigners at gunpoint is so . . . un-Palestinian.

■ A favorite game of liberals is Moral Equivalence. The point is to show that, whatever bad things our enemies have done, we've done the same or worse. Steven Spielberg's latest movie, *Munich*, is a fully flowered specimen of these hate-yourself-first fantasies. At the Munich Olympic Games of 1972, Palestinian terrorists kidnapped and killed eleven Israeli athletes. Israeli agents patiently hunted down and killed the murderers. The only alternative was to lament and do nothing, as these men were beyond the reach of law. Justified retribution was one motive, and deterrence another. Who knows how many Israeli lives were saved by the state's action? In Spielberg's showing, however, Israelis ought not to be in their own country, and Palestinians therefore have good cause to kill them. At the same time, Israelis taking measures to defend themselves are actually compromising their values, and the only way out for Spielberg's hero is to flee to New York. So whatever Israelis do, they can't win. If there is an Oscar for Moral Equivalence, Spielberg should get it.

■ If someone told you there was a "gruesome cycle of murders, kidnappings, and torture" in Colombia, you might be tempted to blame the usual crowd: drug smugglers, leftist guerrillas, right-wing paramilitary groups, narcoterrorists, etc. But if you're a self-styled activist on an American university campus, you're probably more inclined to pin the blame directly on . . . Coca-Cola. Yup, the University of Michigan, at the behest of the "Campaign to Stop Killer Coke," just became the tenth university to ban Coke products from its campuses, citing murders of labor-union leaders at an independent Colombian bottling plant, as well as some environmental problems at a plant in India. Coke has already been excused from related lawsuits, and vehemently denies the charges. But none of that seems to matter to the preening moralists, whose slogan for this cause du jour is: "Murder . . . It's the real thing." (Get it?) With all the problems in the world begging—screaming—for creative solutions, it would be nice if on occasion our youth would sit back, relax, pop open an ice-cold Coke, and come up with something novel. And if not novel, at least use that burning intellect to invent slightly more creative names and slogans for whatever bird-brained scheme is next on the list.

■ Fox News star and populist icon Bill O'Reilly went on the David Letterman late-night show, and a clash of personalities ensued. By common agreement, O'Reilly won the encounter hands down, maintaining a cheerful and gentlemanly demeanor while Letterman sneered and snarled in the most egregious display of showbiz-lefty arrogance since the latest communiqué from Barbra Streisand. In one exchange, after expressing the view that 60 percent of what O'Reilly says on his daily TV show is "crap," Letterman revealed that does not, in fact, watch the show. His opinion is founded on "things that I've read." Oh.

■ Unable to think of any satisfactory verbal riposte while in a heated argument with a neighbor, Raymond Hugh McNealy of Germantown, Md., resorted to "mooning," which is to say, contemptuously presenting his bared buttocks to his antagonist. The neighbor sought recourse in the law; Mr. McNealy was convicted of indecent exposure; he appealed; and now his conviction has been overturned. Or, as Shakespeare said: "The mortal moon hath her eclipse endured." One of Mr. McNealy's attorneys noted more prosaically that the appeals-court ruling should "bring comfort to all beachgoers and plumbers" in the state. Though we are of course aware that standards of civility in America have long been engaged in a race to the bottom, this incident does not seem to us to rise to a level at which the law needs to butt in. While deploring Mr. McNealy's bad manners, we therefore offer qualified approval to the appeals court's affirmation of a citizen's, er, fundamental rights, and its resistance to the opening up of any further cracks in the edifice of American liberty.

■ Renegade Member of Parliament and FOSH (that is, friend of Saddam Hussein) George Galloway is one of the participants in the British version of the reality TV show *Big Brother*. He lives in a house with several other semi-celebrities, subject to periodic expulsions by vote. George's housemates include cross-dressing basketball star Dennis Rodman and *Baywatch* Babe Traci Bingham. We cannot be the first to note the resemblance between *Big Brother* and Jean-Paul Sartre's play *No Exit*. In the latter production, three people arrive in hell to find it a drawing-room in which they are condemned to spend eternity getting to know one another. "Hell is other people," concludes one of Sartre's characters. Confronted with George Galloway across the breakfast table, it would be hard to disagree. Some of Galloway's parliamentary constituents, displeased at his venture into TV, have raised a petition urging him to concentrate on his day job in the House of Commons. Our own feeling is that the farther away from the levers of power Galloway is kept, the better it will be for Western civilization. We extend our sympathies to Rodman, Bingham & Co. nonetheless.

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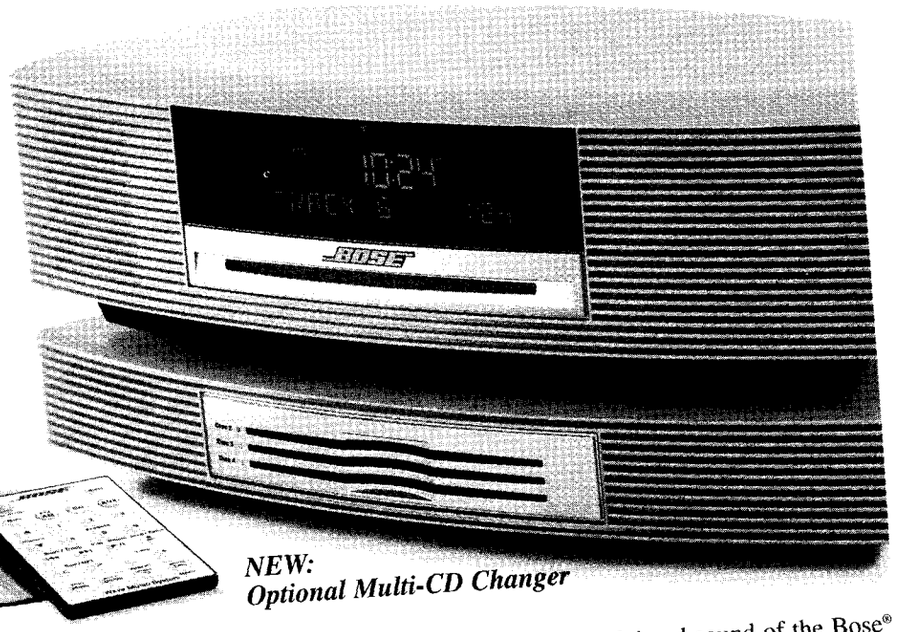

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THE WEEK...

■ Sometimes when a game ends it deserves to be instantly replayed on ESPN Classic. Such was the USC–Texas Rose Bowl game that the Longhorns won 41–38 on a heart-stopping eight-yard touchdown dash by quarterback Vince Young on a fourth and five with time expiring. USC had won 34 games in a row and fielded what was understandably touted as the best offensive team ever. But Young single-handedly carried Texas ("Hook 'Em"), throwing for 267 yards and running for another 200. The Rose Bowl was an appropriately spectacular finale to a thrilling bowl season. The cliché is that "student athletics" is an oxymoron. Maybe so, but, oh, what athletics.

■ The Winter Olympics are coming—they start February 10—and it seems the battle to save Turin has been lost. Torino, it is. These will be the "Torino Olympics." Whether we will have to start saying "The Shroud of Torino" is unclear. It seems that we can still have Florence, not Firenze; Rome, not Roma; Naples, not Napoli; Venice, not Venezia . . . Americans who fancy themselves international are already saying "Milano." So, *arrivederci*, Turin. Actually, it's more like *addio*.

■ YOU-CAN'T-HELP-BUT-SMILE DEPT.: Washington, D.C., councilman, former mayor of that city, consumer of illicit substances, convicted tax evader, jewel of the Democratic party, and unlicensed buffoon Marion Barry was robbed at gunpoint in his D.C. apartment. Though physically unscathed, Mr. Barry declared himself "hurt" when speaking of the incident afterward. He explained that "there's sort of an unwritten code in Washington among the underworld, the hustlers, and these other guys that I'm their friend." Ah, Mr. Barry, there is no honor among thieves, you know. And if you don't know, who does?

■ ON THE HOMEFRONT: With this issue, NATIONAL REVIEW's excellent publisher and CEO, Ed Capano, becomes CEO, alone. And NR's excellent associate publisher, Jack Fowler, becomes publisher. And this magazine is very lucky indeed.

AT WAR

The President's Duty

THE National Security Agency has been monitoring the conversations of al-Qaeda operatives and other terrorists overseas, and that includes their conversations with persons in the U.S. This is good news—unless you're the *New York Times*, which broke the story at year's end, or liberal Democrats who mined it for high dudgeon.

The NSA's monitoring of those in America was done without warrants, seemingly in violation of the Foreign Intelligence Surveillance Act of 1978, which required the federal government to show probable cause to a secret court established by the act before listening in. But FISA is not adequate in the post-9/11 era, nor was it clearly constitutional before it.

Warmaking is an executive function. Congress declares and pays, but the president must lead. "Of all the cares or concerns of government," wrote former colonel Alexander Hamilton in *Federalist* 74, "the direction of war most peculiarly demands those qualities which distinguish [or characterize] the exercise of power by a single hand." The Supreme Court recognized executive primacy even in peacetime spying in 1972, when it noted that, while the Fourth Amendment required warrants for wiretapping domestic terrorists, "the scope of the President's surveillance power with respect to the activities of foreign powers, within or without this country," was unrestricted. Executive direction and flexibility is even more necessary in our 21st-century war against a flat-structured, transnational enemy, with multiple shady sponsors.

Warmaking is an executive function. Congress declares and pays, but the president must lead.

At the post-Watergate nadir of presidential prestige, Congress nevertheless tried to impose restrictions with FISA. Not only was Congress meddling where it didn't belong, it dragged a bastard branch of the judiciary into the act. Presidents have complied with FISA's terms, while maintaining that they did not have to. As John Schmidt, a former associate attorney general for Bill Clinton, wrote in the *Chicago Tribune*, after the NSA story broke, "Every president since FISA's passage has asserted that he retained inherent power to go beyond the act's terms. . . . That inherent power," Schmidt went on, "is reason to be careful about who we elect as president, but it is authority we have needed in the past and, in the light of history"—and Schmidt specifically cited the recent history of 9/11—"could well need again."

The Bush administration did not seek warrants from the FISA court for the NSA program, but it did notify the relevant congressional committees and the bipartisan leadership of both houses—a politic and honorable decision, if the press and the opposition were men of honor. Democrats who nodded then are squawking now when it seems they might get partisan traction. (See Andrew C. McCarthy's detailed piece, beginning on page 37.)

In *Times*-land, we would go back to the lawyers' paradise of 9/10—until the next hecatomb, followed by a storm of hysteria and headshaking about why we didn't see the handwriting on the wall.

A SPECIAL INVITATION

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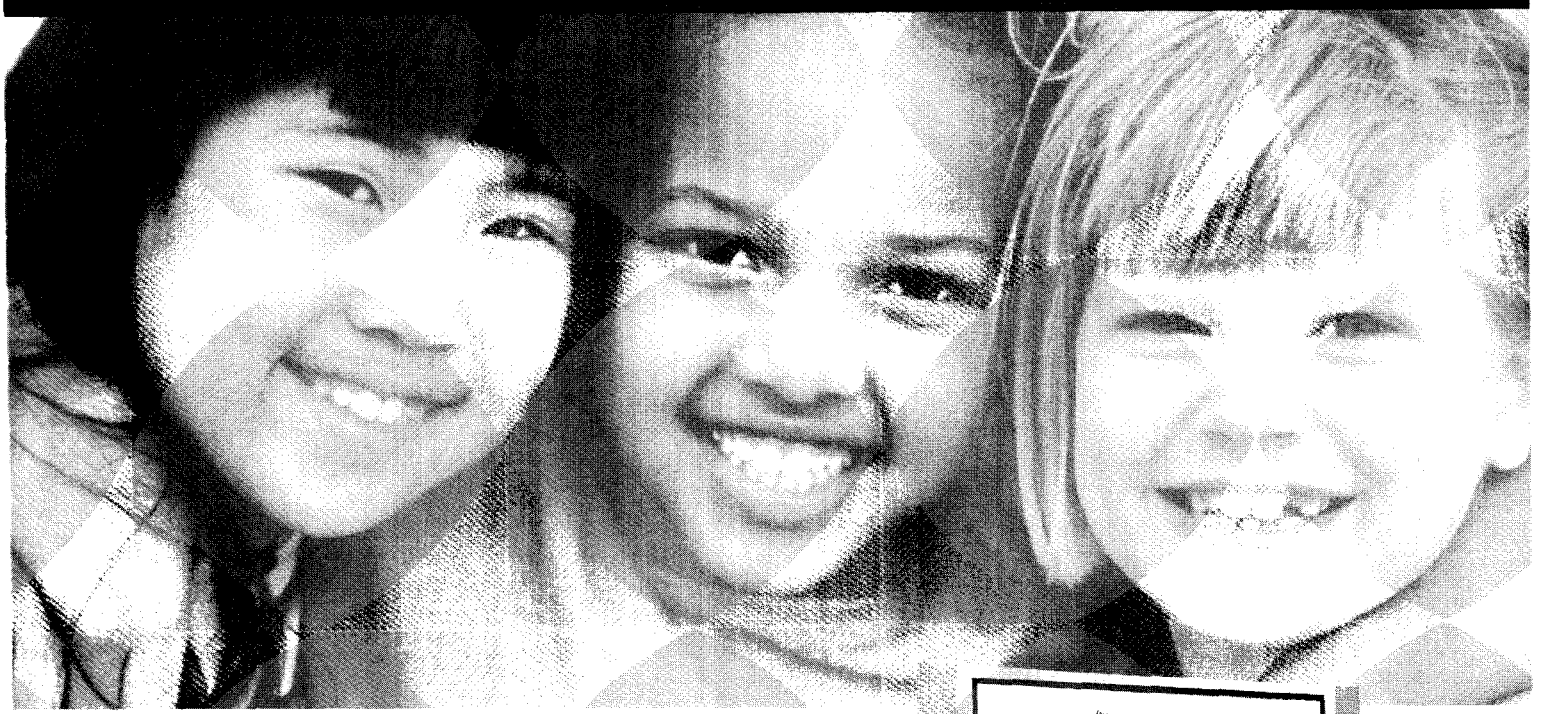

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CAPITOL HILL

Without DeLay

Tom DeLay decided not to seek to return as House majority leader. It was a decision he made partly with the interests of his colleagues at heart, as he realized that the Republican conference needed a permanent new leader as he continues to fight to clear his name in the Texas-redistricting and Abramoff cases.

DeLay was the most effective majority leader in memory, and perhaps ever. Conservatives are in his debt for his congressional stewardship over the years. Whatever the conservative discontents with the Republican leadership recently, the picture would have been much worse without DeLay. The press nicknamed him The Hammer, suggesting that he relied on intimidation for his effectiveness. It was closer to the opposite. He was The Concierge, doing favors, listening, persuading. He had an uncanny knack for knowing which members were where and how to get them to the place the leadership wanted them.

He had temporarily stepped aside as majority leader after his indictment last year by Texas district attorney Ronnie Earle, a partisan Democrat. We have strongly defended DeLay in the case. He is accused of money-laundering on the basis of a money swap between a DeLay PAC in Texas and the Republican National Committee, an unremarkable transaction in the days prior to the McCain-Feingold campaign-finance legislation. DeLay's only sin was helping to pass a redistricting plan that sent more Republicans to Congress from Texas.

DeLay was the most effective majority leader in memory, and perhaps ever.

The Abramoff case is different. It is not the figment of a fevered, partisan prosecutor's imagination. People have pled guilty to crimes—not just Abramoff, but former DeLay aide (and Abramoff's fellow rip-off artist) Michael Scanlon. The allegations touch on other former DeLay staffers, Ed Buckham and Tony Rudy. It might be that DeLay was unaware of all the greedy, and perhaps criminal, practices swirling around him, although it seems he had become too comfortable with the ways of Washington he had once been committed to changing. At the very least, getting himself out from under the Abramoff cloud will take time, making the idea that he would soon return to leadership after clearing himself in Texas unsustainable.

The race to replace DeLay is already well underway, and given how quickly internal leadership races can be decided, might be over by the time you are reading this. As we went to press, the two chief contenders were acting majority leader and current majority whip Roy Blunt of Missouri and Rep. John Boehner of Ohio, the chairman of the Education and the Workforce Committee and a former member of the leadership. The conference should be extracting from both, and from any other candidates, as many details as possible on the reforms that they will undertake in the wake of the Abramoff scandal. More lobbying registration and disclosure is fine as far as it goes, but the scandal at its root is about politicians putting their own comfort and interest above the public welfare. There should be a crackdown on lavish privately funded travel, and on the "earmarked" spending that has become bait for corrupting lobbyists.

The Abramoff scandal is another failure of Big Government Conservatism. The more Washington spends, and the more obscure decisions it makes that can enrich or ruin small groups of people, the more attention it will get from selfish and unprincipled rent-seekers. It's no accident that congressional Republicans were cleaner when they were much more serious about limiting government. We yearn for the days when the scandal du jour in Washington was over a Republican Speaker of the House teaching an ideologically charged college course about American history. House Republicans won't regain the public trust, or the enthusiasm of their base, until they return to their first principles.

National Review is accepting applications for a summer internship. Applicants must be planning a career in journalism post-graduation. Preference will be given to college students now in their junior year, but all college students may apply. Please submit a letter of interest, a résumé, and a few writing samples to intern@nationalreview.com. Deadline is March 1.

THE SUPREME COURT

A Sober Judge

Here is the question that Judge Samuel Alito and his colleagues faced in the 2004 case of *Doe* v. *Groody*. Police had asked a magistrate for a warrant to search John Doe's house for drug paraphernalia and to search all occupants of the house. The magistrate issued a warrant that did not mention Doe's wife and daughter as search targets, apparently because the box on the form was too small to include them. The wife and ten-year-old daughter were nonetheless made to remove articles of clothing in front of female police officers. Doe sued for damages. So what a panel of judges including Alito had to decide was whether it was reasonable for the officers to read the warrant to incorporate the warrant application with respect to search targets.

It was not an easy question. Judge Michael Chertoff (now head of homeland security) and another judge found for Doe. Alito "share[d] the majority's visceral dislike" for the search of the girl, but read the precedents differently. He thought the officers should not be liable.

Senator Durbin put his own gloss on the case on the first day of Alito's confirmation hearings for the Supreme Court: "You were the only judge on your court who ruled to authorize a strip search of a ten-year-old girl." Whether strip searches of children are a good idea or are even permissible was not the issue before the court. The other judges did not suggest that such searches could never be conducted. (If the law dictated that result, drug dealers would have a free pass to use their children to conceal drugs.)

Durbin's comment was not the most outrageous statement

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of the hearings or even of his own speech (Durbin also clipped and introduced an Alito quote in a way that twisted its meaning, almost certainly deliberately). It was, rather, altogether typical of the tactics being used against Alito. None of the charges against Alito looks very strong when examined. But if the Democrats throw enough of them out, the charges might avoid scrutiny and a misleading picture of Alito might emerge.

Alito's record on presidential power has been the most frequent subject of distortions. He does not have much of a record on the question. But his critics are making him out as a champion of an unfettered, lawless presidency. Their case rests on stray scraps of paper that they misunderstand, or pretend to.

Alito has spoken in favor of a unitary executive—which increases presidential power over the executive branch, but also presidential accountability for the results of executive-branch decisions. Support for such unity implies nothing about the balance of power among the branches. It offers no basis for any prediction about how Alito would rule on the wiretap controversy that has been in the news, should it (and he) reach the Supreme Court.

In a 1984 memo, Alito urged that the attorney general have at least qualified immunity from suits for money damages for authorizing wiretaps. The Carter administration had sought absolute immunity. Alito's view of immunity, again, implies nothing about his view of the extent of the president's constitutional authority to wiretap.

Alito has said that judges should look first to the text of a law to interpret it, and in many cases end the inquiry there. Some judges also consider a law's legislative history—committee reports and the like. As a Reagan administration aide, Alito suggested that the president offer his interpretation of a law when signing it. Courts could then consider not only evidence about what the legislature thought it was enacting when it passed a bill, but evidence about what the president thought he was accepting when he made it law. In advocating the making of these statements, Alito was obviously not endorsing the contents of any particular statement—e.g., the one Bush made when signing the recent anti-torture law. (Nor was he endorsing any of Clinton's signing statements.) Alito's support for signing statements tells us nothing about how he would rule on anything.

It is not clear that the Democratic party can make hay out of trying to restrict the president's ability to gather information about terrorists. Perhaps their persistence on this front is evidence of a heartfelt zeal that political considerations cannot diminish. But they have no legitimate quarrel with Alito here.

Alito's record and his testimony in the first days of the hearings suggest that he is, as advertised, a cautious, intelligent, and conservative jurist. He does not disdain the idea that judges can promote justice, but firmly believes that the way they do so is by following the law. He believes that precedent creates a "general presumption" but not an "inexorable command." He understands that particular cases may compel attention to foreign laws, but that foreign law is an unlikely source for illumination about the meaning of American constitutional provisions. He is right on all counts, and he ought to be confirmed.

THE MIDDLE EAST

A Leader's Courage

ARIEL SHARON's career has always been extraordinary, and it comes to an end just as he was proving more extraordinary than ever. On the face of it, he struck out on his own, whether on the battlefield or in politics, even disobeying orders if he judged it right to do so, a lone ranger rather than a party man. Actions for him spoke louder than words. Rising from an eager young volunteer for dangerous assignments to the rank of divisional general and finally minister of defense, he took an inspiring part in every one of the wars that Israel's enemies have unleashed on it since the state's founding in 1948. His courage went hand in hand with his sense of mission. Israelis of that original generation held in common the belief that they had the right to live in security, and since they were denied that right, they would have to fight for it.

Sharon went further. It was pointless, he maintained, to suppose that the Arab world would one day suddenly admit error about Israel, and negotiate a genuine peace. The Oslo Accords seemed to him based on illusion. When he had the chance, he pushed ahead with extensive building of Israeli settlements on the West Bank and in Gaza. This was not simple imperialism, as his critics charged. The Arabs, the Palestinians especially, had to understand that there was a price to pay for aggression, a price that would rise until they understood that the costs outweighed any gains. On the basis of that calculus, Sharon cleared PLO terrorism out of the Gaza Strip and out of Beirut in 1982. As prime minister these past five years, he proved his point conclusively, marginalizing Yasser Arafat, that perpetual prime promoter of aggression, and closing the intifada down in anti-climax.

Much of the world had long lost interest in Israel's right to a secure life, and perceived only the costs the Palestinians were inflicting on themselves for their unremitting aggression. It became commonplace to demonize Sharon as a right-winger, to liken him to Hitler, and to stage trials for his alleged war crimes. In the end, he had a riposte as unexpected as it was magnificent. Security, he now concluded, necessitated a two-state solution. Israel would build a security fence, withdraw its settlements from Gaza and the more exposed parts of the West Bank, and leave Israelis and Palestinians each to conduct their business as they saw fit. Should the Palestinians at last acquire a state of their own, Sharon will have done more to bring it about than any Palestinian, Arafat included, ever did.

Such a program was not a reversal of his lifelong view, but an imaginative fulfillment of it. Putting it in place, he oversaw the reluctant expulsion of some 9,000 Israelis from Gaza, he broke with his political colleagues, and founded a new party, Kadima, whose essential purpose is to make the two-state solution a reality, difficult as this will prove for his successors. This lone ranger had the authority to achieve so huge a political shakeup because most Israelis knew from experience that they could entrust their security to him. His departure from the scene at this perilous moment is a reminder that history is a matter of great individuals and courageous choices.

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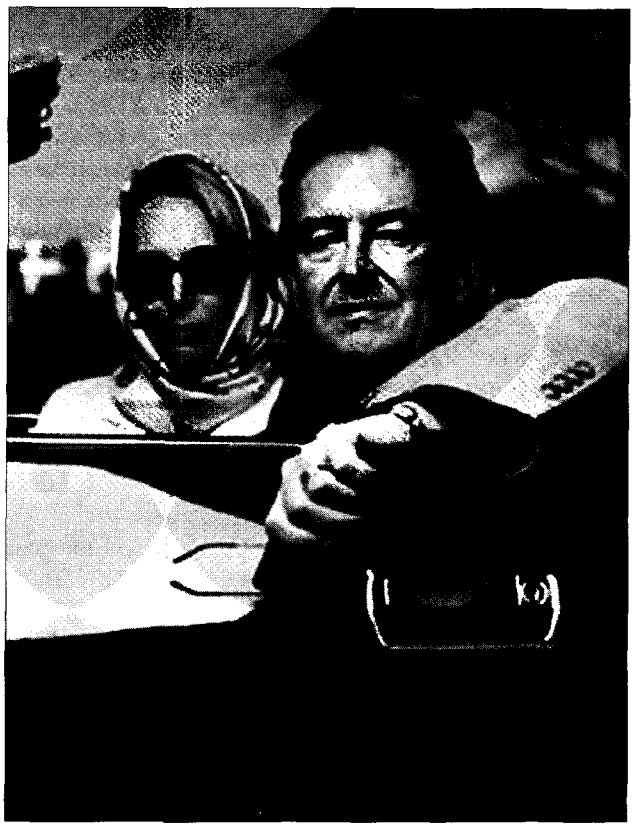

The Wilsons—not the last word in national security

■ COVER STORY ■

Shameful Acts

Why the wartime leaking has hurt

BYRON YORK

On December 20, after a speech in Boston, Sen. John Kerry was asked to comment on two leaks that have consumed Washington in recent months: the revelation that President Bush authorized the National Security Agency to spy on the international phone calls of people with known al-Qaeda connections, and the leak of now-former CIA agent Valerie Wilson's identity. Which was more serious?

Wilson, Kerry answered. "The leak in the White House was an effort to destroy somebody and his family and attack them for telling the truth." The NSA leak, on the other hand, was an effort "to tell the truth about something that violates the rights of Americans and doesn't uphold our Constitution."

In the weeks since the *New York Times* first published the NSA story—and since, earlier, the *Washington Post* revealed the existence of "secret prisons" in Eastern Europe in which the United States held top terror suspects—Democrats like Kerry have argued that those leaks, which involved key elements of the U.S. War on Terror, were less damaging to national security than the Wilson matter. Republicans, on the other hand, have argued just the opposite, that the NSA and prison leaks were far more consequential to American national security than the disclosure of Valerie Wilson's identity.

Who's right? And just what damage has been done? Since all three cases involve classified information, it's impossible for an outsider to say definitively. But it is possible to piece together a number of clues about the damage done—and they suggest that the Wilson matter, while not something that should be ignored, pales in comparison with the damage done by the stories published in the *Times* and the *Post*.

The case in which the damage is most visible is the secret-prison story. On November 2, the *Post* reported that the CIA "has been hiding and interrogating some of its most important al-Qaeda captives" at secret sites in "several democracies in Eastern Europe." The program, which was so highly classified that few in the federal government knew about it, was, the *Post* reported, "a central element in the CIA's unconventional war on terrorism." The paper did not name the countries involved, acceding to the requests of U.S. officials who "argued that the disclosure might disrupt counterterrorism efforts in those countries and elsewhere and could make them targets of possible terrorist retaliation."

Almost immediately, however, the European press—along with National Public Radio in the United States—reported that Poland and Romania were the European countries involved. The information came from the group Human Rights Watch, whose director, Tom Malinowski, quickly announced that he had evidence that in September 2003 a CIA airplane had flown from Afghanistan to Poland, then to Romania, then to Morocco, and then to Guantanamo Bay, Cuba. Malinowski released a detailed statement—he included the CIA plane's tail number, which he told NATIONAL REVIEW he got from sources outside the U.S. government—urging that the United Nations and the European Union investigate countries that allowed al-Qaeda prisoners to be held on their soil.

In Europe, the reaction was immediate and intense. As Malinowski had hoped, the EU said it would launch a probe of both Poland, which is an EU member, and Romania, which hopes to become one. Both countries might be punished if the story were true, EU officials said. Romania denied the whole thing, sort of;

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in a statement that perhaps sounded more definitive than it was, Romania's premier said, "I repeat: We do not have CIA bases in Romania." In Poland, the new government—it had been in office for just a few weeks and had played no role in whatever had happened before—also issued a denial.

But, at least in Poland, the story caused enormous anger and unhappiness behind the scenes. In an interview with NATIONAL REVIEW, one source with knowledge of the Polish government's dilemma would not address the facts of the story, but called the damage "horrific." The source cited two reasons. First, the Polish government believes that it is now, as a result of the *Post* story, on al-Qaeda's hit list, setting off fears that Warsaw or Krakow could follow Madrid and London as European terrorist targets. And second, the leak shook the pro-American Polish government's faith in the United States. Poland has been a loyal ally of the U.S., sending troops to Iraq and keeping them there when others withdrew. That decision has been costly not only in lives—17 Poles have died in Iraq—but also in terms of Poland's relations with largely anti-U.S. European governments. And now Poland worries about whether it can trust its most powerful ally. "The next time we are asked to do an operation in common, we will always think twice about your intelligence community's ability to keep a secret," the source said.

That is real, serious, and possibly lasting damage to America's national security. The secret-prison leak, as Bush administration officials argued when they tried to convince the *Post* not to publish the story, had real consequences.

The case of the NSA's warrantless surveillance of persons with known connections to al-Qaeda has caused even more of a public uproar, but the damage, at least so far, is more difficult to assess. Most likely, that is not because there has not been any damage—it is because the NSA program was even more secret than the prisons program, and Bush administration officials have found themselves hamstrung by that secrecy as they try to defend it. "They can't fully explain why it was necessary to proceed the way they did without doing more damage," says one former intelligence official. "To go out and defend themselves would further expose the nature of the program, which would provide more aid to potential terrorists."

In general terms, however, people familiar with such surveillance say the harm from the leak is likely extensive. There have been reports that al-Qaeda figures have already begun using different methods of communication because of the revelation. "There are ways that people communicate that they think are more secure than others," says the former intelligence official, "and if they find out those are vulnerable, they will do something else."

The leaking of Plame's identity is nothing like the NSA and secret-prison leaks.

Perhaps more important, the leak is a reminder to the terrorists to be very, very careful. Administration critics have attempted to downplay the effect of the leak by saying that al-Qaeda certainly knew that the U.S. was trying to listen in on its communications. Of course that's true. But even so, the former official says, it is not at all unusual for a suspect under surveillance to get sloppy. "It's amazing in intercepts how often people will say, 'We really shouldn't be talking on this line,' and then they go on and talk," the official says. The NSA leak, he continues, reminded the terrorists to watch out.

How does that damage, and the harm done by the secret-prison story, compare with the Wilson matter? No one has stated publicly whether Wilson's exposure damaged any CIA activities, and there appears to be some disagreement about the issue. Wilson's husband, Joseph Wilson, the former ambassador who has become an anti-Bush crusader, says the damage is enormous and his wife's exposure amounted to treason. Others strongly disagree. "There probably wasn't any damage done," one knowledgeable former-CIA source tells NATIONAL REVIEW.

Given what is known about Valerie Wilson's employment—that it had been years since she was in the field—what seems safe to say is that the leak was probably more significant in principle than in practice. The disclosure of Wilson's identity appears not to have been that serious a problem, but there are clearly covert agents whose uncovering would have dire results for national security. So any leak of an agent's identity is a bad thing.

But the leaking of Plame's identity is still nothing like the NSA and secret-prison leaks. "Assuming either is true," says one current intelligence official who begins with the standard caution, "you're talking about two things that are operational equities—sensitive, ongoing operations in the middle of a war. It doesn't get any bigger than that. Versus somebody who has been at home for five years."

The former intelligence official agrees. "No one ought to be outing undercover officers on the assumption that there's not damage," he says, "but as bad as the Valerie situation is, when you undermine an entire program, which a case could be made that the NSA story did, the range of potential damage is considerably broader."

So what should be done now? In 2003, after the exposure of Wilson in a column by Robert Novak, Democrats and their allies in the press demanded a major investigation into the leak. They got what they wanted, and we are now in the third year of special prosecutor Patrick Fitzgerald's investigation. As part of his probe, Fitzgerald asked the White House to make its staffers sign waivers releasing reporters from any pledges of confidentiality. The White House complied, after which Fitzgerald went to reporters and told them that, since the waivers had been signed, they could either testify or go to jail. It was a terrible precedent—one that made some in the press regret their calls for an investigation.

But it is still a precedent. And now we are confronted with two cases in which the consequences of the leaks are far more serious and immediate than the Wilson matter. The Justice Department is looking into both cases to determine whether a full-scale investigation is warranted. If the answer is yes, then we might well be facing another Fitzgerald-style probe. Administration critics—the same ones who supported the Wilson investigation—oppose such a move, saying the NSA and secret-prison leakers should be protected as "whistleblowers." But given what has happened, how could there be anything less? **NR**

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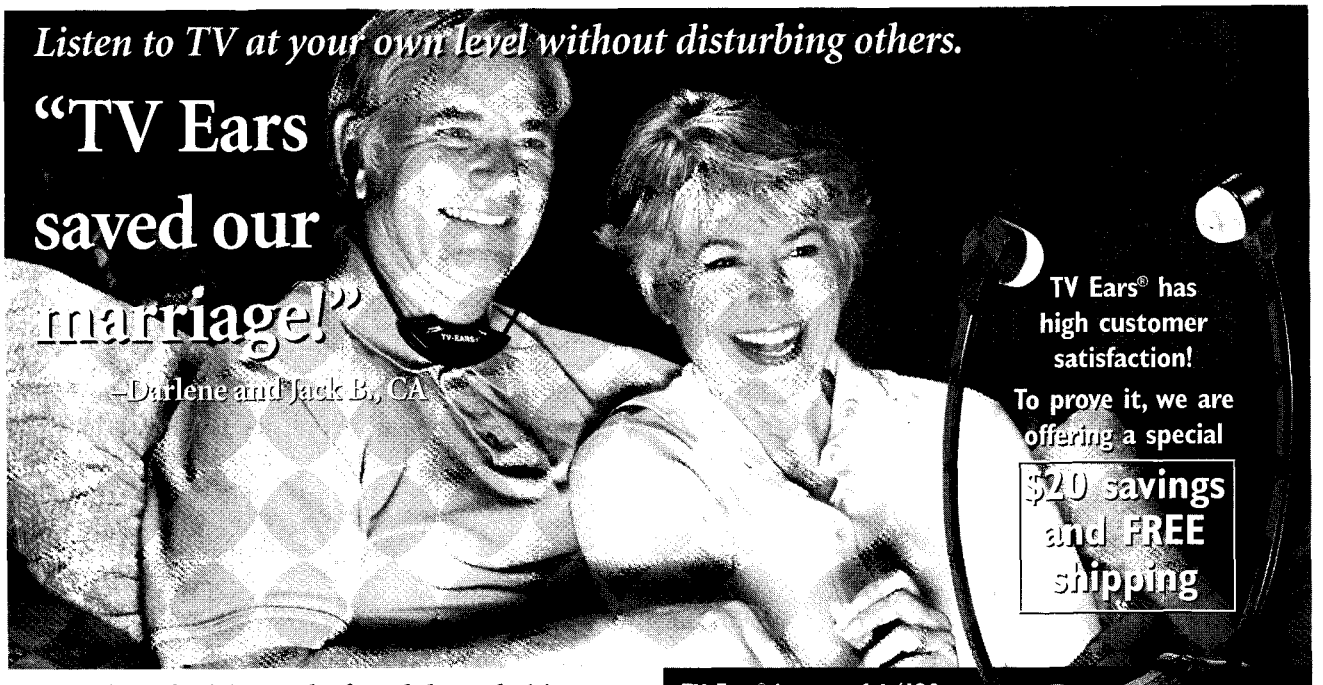

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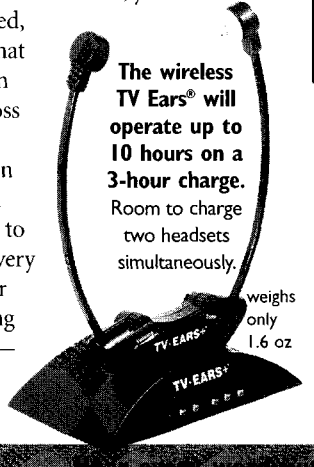

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— Darlene and Jack B., CA

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■ THE WHITE HOUSE

Let's Play Small Ball!

An appropriately modest agenda for 2006

RAMESH PONNURU

When the Lewinsky scandal became the dominant story of the Clinton presidency in 1998, it had three effects on his agenda. First, Clinton lowered his sights. Nothing major was going to get done amid the depositions and court orders. Second, he hugged his base tight. He couldn't afford to let the Left decide he wasn't worth the trouble to defend. As a result of these first two effects, the sporadic talk from the Clinton White House about entitlement reform—including a reform based on individual investment—ended.

But Clinton didn't become a do-nothing president, either. The third effect of the scandal was to increase his determination to make the public think that he was "working hard for the American people." Sometimes that meant making proposals that didn't stand a chance of becoming law. Sometimes it meant issuing executive orders. And sometimes it meant starting what critics derided as "micro-initiatives"—"playing small ball," as Clinton's successor described it.

Now Republicans are involved in scandal, and everyone expects the scandal to stay in the news for months. Their situation is different from that of Clinton in 1998. On the plus side, Bush isn't personally implicated in the scandal, whereas Clinton's behavior was the scandal. On the minus side, the economy, while strong, isn't as strong as it was in 1998. But scandal is likely to have effects on the White House's agenda similar to the ones it had in 1998.

Sights are certainly being lowered. Republicans' plans for 2005 were bold and, in one of the buzzwords of twelve months ago, "transformational." In his inaugural address, President Bush set the goal of "ending tyranny in our world." At home, the plan was to reform Social Security and then, as an encore, rewrite the tax code.

The agenda for this year? Bill Frist says that a settlement of asbestos litigation will be the "first major piece of legislation" the Senate will take up in January. Congress has to complete some unfinished business from last year—renewing the Patriot Act, enacting a budget. Republicans will continue to press to make Bush's tax cuts permanent. House Republicans are talking, vaguely, about spending restraint. The foreign-policy agenda is to slog through Iraq and to resist all calls for a premature withdrawal. The ringing rhetoric has been muted. With one exception, it's a small-ball year.

That's compatible with Republican political success, or at least with minimizing losses. But even small ball has to be played well.

The Abramoff scandal, following Rep. Duke Cunningham's bribery indictment and resignation and the prosecution of Tom DeLay, has the public thinking Congress is corrupt. Some Republicans think they can defuse that perception by pointing out Democrats' ties to Abramoff. None of the Republican strategists to whom I spoke thought that would work. As one of them put it, "At the end of the day, the American people believe that the Republicans are in charge of the House and the Senate, if you can believe that."

Scandal is likely to have effects on the White House's agenda similar to the ones it had in 1998.

Each of the strategists thought that the theme for a Republican agenda had to be "reform"—and that the reform had to start with the lobbying culture of Washington. Even the strategists who make most of their income from lobbying thought this. The main reforms being advocated (by Republicans and Democrats) are restrictions on privately funded travel for congressmen, more extensive disclosure requirements for lobbying activity, and curbs on the proliferation of earmarked spending in the budget. When congressmen can dedicate millions of dollars for specific projects—and do it again and again—the opportunities for corruption are too great.

"There should be substantial and radical lobbying reform introduced by the Speaker [of the House] and the [Senate] majority leader," says one of the strategists (and lobbyists). If they won't do it, he says, the president ought to propose such reform himself. "There is nothing in lobbying reform that is inconsistent with our principles," so we should do as much as we can, not the least we have to. The fact that the party's leading strategists agree that reform would serve its interests does not mean that congressmen are going to give up lobbyist-paid travel. But if they do, and make some leadership changes, they will have made a good start at limiting damage from the scandal.

Republicans think the overlapping debates on Iraq, the Patriot Act, and wiretapping are playing to their strengths on national security and law-and-order. Republicans have Democrats on the defensive with the Alito nomination, too, which represents progress on social issues. But conservative political success usually requires winning on both national security and social issues while at least cutting losses on domestic issues. At the moment, Republicans don't have a compelling message on domestic issues.

Bush's tax-reform commission was a dud. It came out with two models for reform that make a lot of economic sense. But the commission didn't display any political creativity. Many economic conservatives, meanwhile, displayed a self-defeating purism in their response to the commission. They want a flat tax or a sales tax, and if they can't get either—and they can't—then they'll torpedo anything else that's called "tax reform." It is possible to design a tax-reform proposal that "merely" advances conservatives' goals while appealing to the public: for example, a plan that centers on reducing the tax code's bias against the raising of children (see "Ladies and Gentlemen, a Tax Reform," Nov. 7). But

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it would take time to get conservative groups on board such a plan. Nothing big is going to happen this year.

Discrete changes might still happen. Many Democrats want relief from the Alternative Minimum Tax, which disproportionately affects voters in places they represent. The estate tax has for a few years been just a few votes away from being permanently repealed; this could be the year. Anti-tax activist Grover Norquist thinks that Congress will repeal the 3 percent excise tax on phone service. He knows it's a small step, but he thinks the debate will be educational: "It's the quintessential Democrat-lie tax." It was introduced as temporary but became permanent; it was supposed to hit only the rich and now hits everybody; and it's hidden in phone bills.

Many Republicans think they need to do something about health care. Employer concern about increasing health costs is rising, just as it was a decade ago; and those rising costs are keeping take-home pay down. Republicans want a vastly changed health-care marketplace, but for now they're pushing three small ideas. The first is tax credits to help people buy high-deductible policies and health savings accounts to cover costs below the deductible. The second is association health plans, which let small businesses band together to enjoy the same advantages—a large national insurance pool, freedom from state governments' mandates—that large employers do. The bill is a priority for small business, but it's been stuck in the Senate. The third is Rep. John Shadegg's bill to let individuals buy insurance from other states, which lets them escape their own states' mandates.

Republicans know that grassroots conservatives are still upset about out-of-control federal spending, even though Congress slightly cut the budget to offset spending on Katrina relief. Even relatively liberal Republicans in the House think that they should try to make continuous modest reductions in spending, in part because they would like to avoid pressure to make deep cuts. The conservative Republican Study Committee in the House wants a variety of reforms in the budget process. If, for example, Congress had to abolish an old program before creating a new one, it would be a sea change from current practice. Rep. Jeb Hensarling of Texas, who has a package of such procedural changes, is an optimist: "I think we're starting to resensitize [Republican] members of Congress [that], hey, we're supposed to be the party of limited government."

One item that isn't on most Republicans' agendas but should be is corporate welfare. If conservative voters think Republicans are too loose with spending, and the broader public thinks that Republicans are too close to corporate lobbyists, why not make an effort to at least trim government subsidies for corporations?

The one exception to the small-ball trend is immigration. On that issue, the president is violating all three rules in the Clinton playbook. Bush's plan for increased enforcement combined with a "temporary worker program" is ambitious. It splits his base. And so far at least, the public is not giving Bush points for his efforts at "reform."

Strategists close to the White House nonetheless think that Bush's plan could get enacted this year, and could pay political dividends. They know that congressional Republicans are more enthusiastic about enforcement, and less enthusiastic about guest workers, than the administration would like. But they think they can get the congressmen they need to agree that enforcement won't work without a legal channel to bring employee-seeking companies and willing workers together. (The White House and its allies convey this idea by saying that immigration reform has to be "comprehensive" to succeed.) If Bush's plan gets enacted, the strategists think that the public will reward Republicans for solving a problem, Hispanics will think better of the GOP, and the party's business supporters will be happy. Maybe it will all happen just this way. But it sounds like a lot of wishful thinking to me.

Americans aren't demanding dramatic change at the moment. The best that we can hope for is a year of humdrum conservative governance. But the Republican party needs to have an agenda more inspiring than keeping its members out of jail. **NR**

■ PUBLIC POLICY

Giving Enforcement A Chance

Before we give up on immigration enforcement—why don't we try it?

MARK KRIKORIAN

HERE's a new definition of chutzpah: obstructing immigration enforcement—and then claiming that the huge illegal population is proof the law can't be enforced.

That's what supporters of the various guestworker/amnesty proposals inevitably do. They claim that the United States has tried, but failed, to enforce the immigration laws, so it's time for something new. On its face, this assertion might seem plausible. The illegal-alien population has grown from perhaps 3 million at the end of the last amnesty about 15 years ago to more than 11 million today. Over that same period, the federal government more than doubled the size of the Border Patrol and prohibited the knowing employment of illegal aliens. In the words of a *Wall Street Journal* editorial, "If a policy keeps failing for nearly two decades maybe some new thinking is in order."

Well, think again. The reality is that increased enforcement has been focused almost exclusively at the border, and even that effort has been laughably inadequate. Any Border Patrol agent will tell you that he and his colleagues can't be expected to shoulder the entire weight of immigration enforcement. Border enforcement must be complemented by vigorous and comprehensive enforcement of the immigration laws inside the country as well, in order to eliminate the magnet of jobs that attract illegals in the

Mr. Krikorian is executive director of the Center for Immigration Studies.

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Black Listed Cancer Treatment Could Save Your Life

Baltimore, MD— As unbelievable as it seems the key to stopping many cancers has been around for over 30 years. Yet it has been banned. Blocked. And kept out of your medicine cabinet by the very agency designed to protect your health—the FDA.

In 1966, the senior oncologist at a prominent New York hospital rocked the medical world when he developed a serum that **"shrank cancer tumors in 45 minutes!"** 90 minutes later they were gone... Headlines hit every major paper around the world. Scientists and researchers applauded. Time and again this life saving treatment worked miracles, but the FDA ignored the research and hope he brought and shut him down.

You read that right. He was not only shut down—but also forced out of the country where others benefited from his discovery. That was 39 years ago. How many other treatments have they been allowed to hide? Just as in the case of Dr. Burton's miracle serum these too go unmentioned.

Two-Nutrient Cancer Breakthrough...

Decades ago, European research scientist Dr. Johanna Budwig, a six-time Nobel Award nominee, discovered a totally natural formula that not only protects against the development of cancer, but people all over the world who have been diagnosed with incurable cancer and sent home to die have actually benefited from her research—and now lead normal lives.

After 30 years of study, Dr. Budwig discovered that the blood of seriously ill cancer patients was deficient in certain substances and nutrients. Yet, healthy blood always contained these ingredients. It was the lack of these nutrients that allowed cancer cells to grow wild and out of control.

By simply eating a combination of two natural and delicious foods (found on page 134) not only can cancer be prevented—but in case after case it was actually healed! "Symptoms of cancer, liver dysfunction, and diabetes were completely alleviated." Remarkably, what Dr. Budwig discovered was a totally natural way for eradicating cancer.

However, when she went to publish these results so that everyone could benefit—**she was blocked by manufacturers with heavy financial stakes!** For over 10 years now her methods have proved effective—yet she is denied publication—blocked by the giants who don't want you to read her words.

What's more, the world is full of expert minds like Dr. Budwig who have pursued cancer remedies and come up with remarkable natural formulas and diets that work for hundreds and thousands of patients. *How to Fight Cancer & Win* author William Fischer has studied these methods and revealed their secrets for you—so that you or someone you love may be spared the horrors of conventional cancer treatments.

As early as 1947, Virginia Livingston, M.D., isolated a cancer-causing microbe. She noted that every cancer sample analyzed (whether human or other animal) contained it.

This microbe—a bacteria that is actually in each of us from birth to death—multiplies and promotes cancer when the immune system is weakened by disease, stress, or poor nutrition. Worst of all, the microbes secrete a special hormone protector that short-circuits our body's immune system—allowing the microbes to grow undetected for years. No wonder so many patients are riddled with cancer by the time it is detected. But there is hope even for them...

Six-time Nobel Nominee's Two-Nutrient Cancer Breakthrough Revealed

Turn to page 82 of *How to Fight Cancer & Win* for the delicious diet that can help stop the formation of cancer cells and shrink tumors.

They walked away from traditional cancer treatments...and were healed! Throughout the pages of *How to Fight Cancer & Win* you'll meet real people who were diagnosed with cancer—suffered through harsh conventional treatments—turned their backs on so called modern medicine—only to be miraculously healed by natural means! Here is just a sampling of what others have to say about the book.

"We purchased *How to Fight Cancer & Win*, and immediately my husband started following the recommended diet for his just diagnosed colon cancer. He refused the surgery that our doctors advised. Since following the regime recommended in the book he has had no problems at all, cancer-wise. If not cured, we believe the cancer has to be in remission."

—Thelma B.

"I bought *How to Fight Cancer & Win* and this has to be the greatest book I've ever read. I have had astounding results from the easy to understand knowledge found in this book. My whole life has improved drastically and I have done so much for many others. The information goes far beyond the health thinking of today."

—Hugh M.

"I can't find adequate words to describe my appreciation of your work in providing *How to Fight Cancer & Win*. You had to do an enormous amount of research to bring this vast and most important knowledge to your readers.

My doctor found two tumors on my prostate with a high P.S.A. He scheduled a time to surgically remove the prostate, but I canceled the appointment. Instead I went on the diet discussed in the book combined with another supplement. Over the months my P.S.A. has lowered until the last reading was one point two."

—Duncan M.

"In my 55 years as a Country Family Physician, I have never read a more 'down to earth,' practical resume of cancer prevention and treatments, than in this book. It needs to be studied worldwide for the prevention of cancer by all researchers who are looking for a cure."

—Edward S.,M.D.

"As a cancer patient who has been battling lymphatic cancer on and off for almost three years now, I was very pleased to stumble across *How to Fight Cancer & Win*. The book was inspiring, well-written and packed with useful information for any cancer patient looking to maximize his or her chances for recovery."

—Romany S.

"I've been incorporating Dr. Budwig's natural remedy into my diet and have told others about it. Your book is very informative and has information I've never heard about before (and I've read many books on the cancer and nutrition link). Thanks for the wonderful information."

—Molly G.

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first place—and this we have all but abandoned.

Let's give border enforcement its due: Where it's been serious enough, it has made a difference. Over the past decade, new deployment strategies—plus more fencing, lighting, remote sensors, etc.—have been focused on two areas, El Paso and San Diego, and the results have been dramatic. In the words of one report, "Operation Hold the Line had an immediate and visible impact on the El Paso community, as illegal entries and apprehensions declined dramatically and so did petty crime and charges of human rights violations by Border Patrol agents." Results were similar in San Diego.

Unfortunately, however, this has led to increased crossings in other areas. Even after a supposedly huge buildup at the border, our operations there remain sadly inadequate: During any given shift, there's an average of about one agent per mile patrolling the southern border, and too much of the fencing is designed solely to keep cattle from wandering off.

And the situation is even worse when it comes to interior enforcement. In 1986, President Reagan signed the Immigration Reform and Control Act, which swapped amnesty for a first-ever ban on hiring illegal aliens. But enforcement of the ban never became a priority; a listing of all fines through May 2000 shows hundreds of mom-and-pop Chinese restaurants, but only three Wal-Marts. What's more, the law itself was hopelessly flawed because Congress did not require the development of a secure verification mechanism: Employers were instead forced to contend with a blizzard of easily forged paper documents. Only in 1996 did Congress require the immigration service to develop a pilot system to verify the legal status of new hires, a system that was entirely voluntary and limited to a few states.

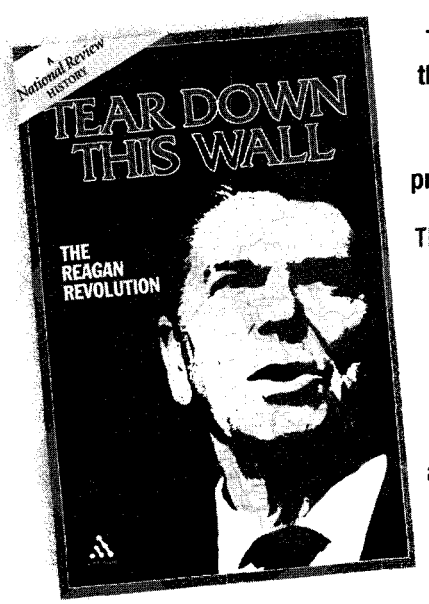
The old INS tried to enforce this defective law—and was publicly slapped down for making the effort. For instance, when the agency conducted raids during Georgia's Vidalia-onion harvest in 1998, hundreds of illegal aliens—knowingly hired by the farmers—abandoned the fields to avoid arrest. By the end of that week, both of the state's senators and three congressmen, Republicans and Democrats, had sent an outraged letter complaining that the INS "does not understand the needs of America's farmers." That was the end of that.

The INS then tried out a kinder, gentler means of enforcing the law, which fared no better. Rather than conduct raids on individual employers, Operation Vanguard in 1998–99 sought to identify illegal workers at all meatpacking plants in Nebraska through audits of personnel records. The INS then asked to interview those employees who appeared to be unauthorized—and the illegals ran off. The procedure was remarkably successful, and was meant to be repeated every two or three months until the industry was weaned off illegal labor. Local law-enforcement officials were very pleased with the results, but employers and politicians vociferously criticized the very idea of enforcing the immigration law. Gov. Mike Johanns organized a task force to oppose the operation; the meatpackers and the ranchers hired former governor Ben Nelson to lobby on their behalf; and Sen. Chuck Hagel pressured the Justice Department to stop the operation. They succeeded, the operation was ended, and the INS veteran who thought it up in the first place was forced to retire.

The INS got the message, and developed a new interior-enforcement policy that gave up trying to actually reassert control over immigration and focused almost entirely on the important, but narrow, issues of criminal aliens and smugglers. In a 2000 story appropriately titled "I.N.S. Is Looking the Other Way as Illegal Immigrants Fill Jobs," INS policy director Robert Bach told the *New York Times*: "It is just the market at work, drawing people to jobs, and the INS has chosen to concentrate its actions on aliens who are a danger to the community." The result is clear—from 1992 to 2002, the number of companies fined for knowingly hiring illegal workers fell from 1,063 to 13. In 2004 the number was even lower: three.

Even after 9/11, the federal government remained hostile to immigration enforcement. After the Border Patrol had the temerity, in 2004, to conduct sweeps that netted several hundred illegal aliens in southern California's Riverside County, officials in Washington apologized. Undersecretary of homeland security Asa Hutchinson said that in the future he would "consider the sensitivities associated with interior enforcement of our immigration laws." The frustration of immigration agents was palpable. One agent said: "We don't know which way to turn—for once, we were doing our job, what the government pays us to do."

NR on RR



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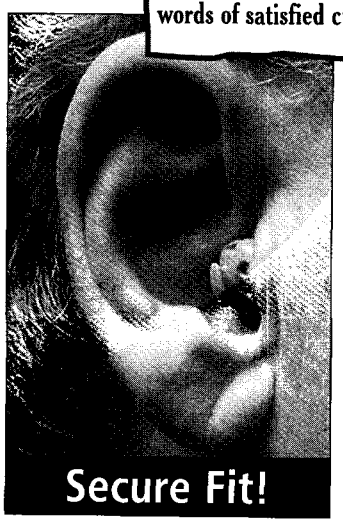

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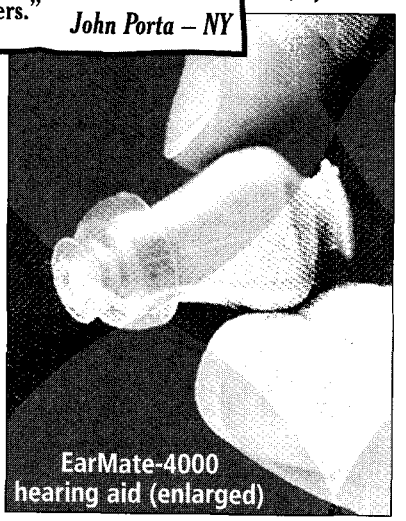

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This, then, is our current approach to immigration enforcement: make it hard (a little harder, anyway) to get across the border, but easier than ever to burrow in once you get to the interior. Short of opening the borders altogether, it would be hard to design a policy better suited to increase illegal immigration.

The policy is especially hard to understand because whenever we have tried to enforce the law, it has actually worked—until we gave up, that is. The Operation Vanguard effort in Nebraska was a good example: If enforcement wasn't working, why would the employers have bothered to organize against it? Likewise, in the immediate aftermath of the passage of the 1986 immigration law, illegal crossings from Mexico fell precipitously, as prospective illegals waited to see if we were serious; we weren't, so they resumed their crossings.

In the wake of 9/11, when we stepped up immigration enforcement against Middle Easterners (and only Middle Easterners), the largest group of illegals from that part of the world—Pakistanis—fled the country in droves to avoid being caught up in the dragnet. In 2002, the Social Security Administration sent out almost a million "no-match" letters to employers who had filed W-2s with information that was inconsistent with SSA records. The effort was so successful at exposing illegal aliens that business and advocacy groups organized to stop it and won a 90 percent reduction in the number of letters to be sent out.

Tony Blankley summed it up nicely in a 2004 column: "I might agree with the president's proposals if they followed, rather than preceded, a failed Herculean, decades-long national effort to secure our borders. If, after such an effort, it was apparent that we simply could not control our borders, then, as a practical man I would try to make the best of a bad situation. But such an effort has not yet been made."

In December 2005, the House of Representatives took the first step toward such an effort when it passed an immigration bill, H.R. 4437, that includes vital interior-enforcement measures. The furious reaction of most amnesty supporters suggests they know perfectly well that immigration enforcement has never really been tried—and they mean to see that it never will be. **NR**

■ **AT WAR**

A Case of Liberation

Think, for a moment, about Iraq's Marsh Arabs

JAY NORDLINGER

When the United States and its allies went into Afghanistan and Iraq, they liberated about 56 million people. Those people had suffered under two of the most brutal regimes imaginable. A lot of people choke on that word, "liberated"—for others of us, it is entirely appropriate.

The scope of this achievement—the liberation—is almost too great to comprehend. Too many lives, communities, and situations are involved. But can we focus on merely one case—that of the "Marsh Arabs," in southern Iraq? Saddam Hussein succeeded in destroying the environment in which they lived; he almost succeeded in destroying the people themselves. Now those marshes are coming back, and the people are coming back, too.

No matter whether we supported the Iraq War or opposed it, can't we all rejoice in these results of the war? The answer is, of course, no.

The Mesopotamian Marshlands—home of the Marsh Arabs—exist at the confluence of the Tigris and Euphrates rivers. Many have imagined this area the site of the Garden of Eden. Until the early 1990s, this "Eden" was the Middle East's largest wetland, covering about 7,500 square miles. The Marsh Arabs—also known as the Madan—are among the oldest peoples on earth, dating back 5,000 years. They are a link to the Sumerians. For all these millennia, they have lived in their marshes, gliding in their skiffs, called "mashoofs," and dwelling in their reed huts. They have subsisted on fish and water buffalo, chiefly. The British explorer Wilfred Thesiger made them famous in the 1960s, when he published his book *The Marsh Arabs*.

The marshes were always a mysterious place, a haven and hideout for rebels, bandits, dissenters. When the Shiites failed in their uprising against Saddam after the Persian Gulf War, many of them sought refuge in these marshes. And the local residents, hating the regime—like most Iraqis—sympathized with them. Saddam decided that the area and the people had to be eradicated.

What happened next is a picture of pure evil; it can scarcely be absorbed. In a massive push called the Third River Project, the regime created dams, dikes, and canals—and dried up the marshes. One new canal was called the Mother of All Battles River; there was also the Fidelity to the Leader Canal. With amazing speed, this vast wetland became a desert. The plants died, the animals died, water was nowhere. One newspaper report had residents saying that it was as though someone had pulled a plug. Saddam destroyed a full 90 percent of the Mesopotamian Marshlands, establishing a military zone in their place.

But there's much, much more. The elimination of the marshes caused the people to starve, flee, or die—and Saddam did all he could to make sure they died. He poisoned the lagoons; he shelled villages; he set reedbeds ablaze; he imprisoned, tortured, and executed; and he attacked these Iraqis with WMD—with chemical weapons. He left no technique untried. In August 1993, a British writer and filmmaker, Michael Wood, said that the dictator's "slow genocide of the Marsh Arabs is nearing its climax." Yet it had not been so slow, really.

And the world knew. In March 1993, *Time* magazine wrote of a doomed people. Some of the most moving reporting of this period was done by Chris Hedges of the *New York Times*. (A decade later, he would become a shockingly vicious opponent of the Iraq War, condemning the United States as the real oppressor.) Officials of the Clinton State Department testified to Congress about exactly what the regime was doing. Vice President Gore was appalled by the ruin of the wetlands, and spoke out strongly about Iraq: "In the interests of regional peace and for the sake of human decency, [Saddam Hussein] must be removed from power. That is the policy of this administration. It

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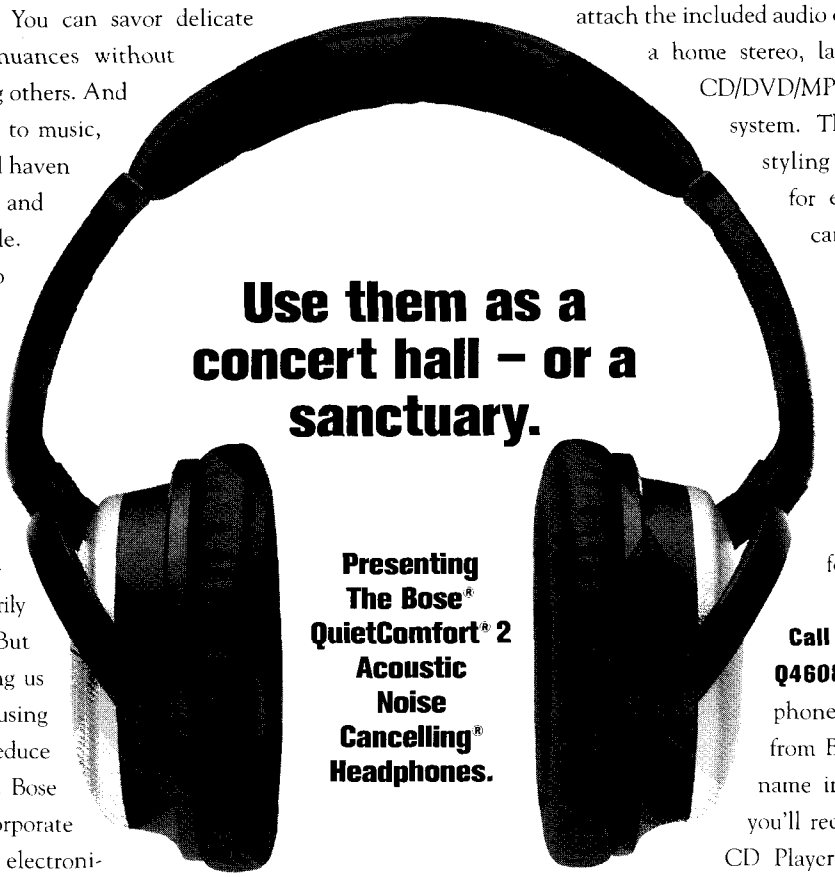

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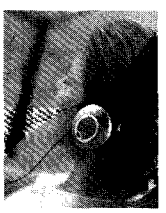

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is the policy I support. It is the policy I am personally committed to." (That statement was made in 2000.) In 2001, the U.N. Environment Programme released satellite photos, showing brown where marshlands had been.

And then the war came. The second they could, what Marsh Arabs remained punctured dikes, knocked down sluice gates, and otherwise tried to undo Saddam's project. Speaking of moving reporting, here is some by the *New York Times*'s James Glanz:

> . . . when Mr. Hussein's government fell in April 2003, villagers went to [a particular dike] and gouged holes in it using shovels, their bare hands and at least one piece of heavy equipment, a floating backhoe. Since then, something miraculous has occurred: reeds and cattails have sprouted up again; fish, snails and shrimp have returned to the waters; egrets and storks perch on the jagged remains of the walls, coolly surveying the territory as if they had never left.

Those mashoofs glided once more, and reed huts were built again. Desert was disappearing; wetlands were returning. Journalists from around the world collected expressions of gratitude and joy, and I offer a sampling: "The water is our life; it is a gift from God to have it back." "Everyone is so happy; we are starting to live like we used to, not the way Saddam wanted us to live." "[I am] like a person detained in prison who is set free." "This war has brought two joys for us: the end of Saddam and the return of the water." "This is what we call rebirth." And here is a snippet from the *Washington Post* of April 14, 2003: "[Men of the Wafi tribe], Shiite Muslims, said they had been banned from observing their religion until last Friday, when their imam was free to preach for the first time in years, and gave a talk 'thanking God and the coalition forces for giving us freedom,' as the sheik put it."

As soon as they could, the United States and its allies moved in to regenerate the marshlands and assist the people. The U.S. Agency for International Development and others are training Iraqis, equipping them—helping them help themselves. One prominent group is called Eden Again, and two of its guiding lights are Azzam Alwash and his wife, Suzie Alwash. Both are Ph.D.-holding environmental scientists. He is an Iraqi who grew up in Nasiriyah, the son of an irrigation engineer; she is a Texan.

Suzie Alwash reports that about 40 percent of the marshlands have been reflooded. And about half of that has been revegetated: "It's amazing, when you look at pictures of the place, from month to month, how fast this stuff is revived." Some areas will never be revived, but the Mesopotamian Marshlands will again

A Marsh Arab village, 1974

NIK WHEELER/CORBIS

have a life. Another scientist—Thomas L. Crisman, a wetlands specialist at the University of Florida—says that he doesn't like to use the word "restoration": "You're not God; you can't put it back." He prefers "rehabilitation," arguing that, with time and smarts, reasonable goals can be obtained.

As with Iraq at large, not all has been well in the marshlands since Liberation Day. Numbering about 500,000 mid-century, the Marsh Arabs were maybe half as many by the time of the 1991 war. After Saddam's depredations, those in the area dwindled to about 75,000; the others were dispersed or killed. According to Suzie Alwash, some 100,000 Marsh Arabs have returned since the liberation: from the towns, cities, and camps of their exile. (Some went to neighboring Iran.) Different Marsh Arabs want different things: Some want a more modern life, tired of the reeds; some want to farm, instead of coping with the fish and water buffalo. There are problems with the water: very salty, not as life-giving as it was. Turkey's dams affect southern Iraq, and water politics are always sticky.

Yet this is a story to celebrate, if we have celebration in us. Those calling themselves liberals might take a particular interest. For decades, they've expressed intense concerns about wetlands: Practically the worst thing you can do in America is fill in a swamp. Saddam Hussein destroyed one of the world's largest wetlands; the region has come back thanks to U.S.-led efforts. But George W. Bush as environmental hero is far too much to swallow. Last summer, the U.N. Environment Programme noted that the "fabled wetlands" are "home to rare and unique species like the Sacred Ibis, and a spawning ground for Gulf fisheries." Bush as savior of the Sacred Ibis? Again, impossible to choke down.

And what about the human aspect of the liberation—the lives of people, in addition to the life of nature? (Of course, the two are closely linked, in this case.) Forgetting the value of human lives simply because they are human, liberals have always been reverential about ancient ways of living. (This is regardless of whether the people themselves wish to modernize.) Yet another reason to rejoice over what has taken place, one would think.

If Hollywood could calm down about George W. Bush—and accept any good from the Iraq War—they could make a wondrous movie about the Marsh Arabs. Imagine Liberation Day: the scene in which gaunt, bedraggled people go out, bare-handed, to tear at dikes and such, causing the waters to rush back. I can just hear the surging music—perhaps the opening pages of Prokofiev's Piano Concerto No. 1.

But there will be no music, from the worst of Bush's critics. They sometimes claim that the invasion and occupation—what I have repeatedly called the liberation—has left Iraq worse off than before. They should look toward the Marsh Arabs. Indeed, they should look toward Iraq as a whole. **NR**

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CONCERNED ABOUT PROSTATE CANCER?

The U.S. Government is conducting the largest prostate cancer prevention study

By Richard Huemer, M.D.

The U.S. Government has announced that they will be conducting the largest ever study on Cancer. The study will determine what are the long-term effects of Selenium and Vitamin E on the Prostate Gland and its potential for protection against Prostate Cancer.

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■ EUROPE

A Wiser Holland

The Dutch, mugged by reality, toughen up on radical Islam

THEODORE DALRYMPLE

BEFORE the assassination of Pim Fortuyn and Theo van Gogh, the Dutch were apt to give you the impression that they had cracked the secret of life and knew without doubt how it ought to be lived. They viewed other, less enlightened societies—which meant all the rest—with a kind of complacent pity, tempered by the certainty that eventually even the most benighted of them would follow where the Netherlands led.

All that has changed. Whatever other effects the two murders have had, they have rendered the Dutch and their society much more interesting than when Holland was merely the land that permitted everything. The era of complacency is over; that of anxiety and doubt has well and truly begun. For the first time in several decades, liberal consensus is not enough; real thought has become necessary in Holland. In the not-distant past, Holland's less-than-glorious performance during its occupation of the Dutch East Indies (now Indonesia)—and its violent attempt to reestablish its power there after the Second World War was over—acted as a reproach to any Dutch conservatism or sense of national pride. But far from remaining a liberal paradise in which it is heresy to question the tenets of multiculturalism, Holland has become a country in which fear of inter-ethnic and religious strife is never far from the surface.

Several questions now haunt the country. Was its previous tolerance mere indifference, blindness, or, even worse, cowardice? How tolerant ought it to be towards those who want to destroy the institutional basis of the tolerance that they themselves have enjoyed but think mere weakness and decadence? Are there incompatible cultures, and if so was it wise to have encouraged mass immigration from a deeply alien land merely to ease a temporary labor shortage? In short, will the Netherlands reap the whirlwind it has sown?

These questions are uppermost in all Dutchmen's minds, and provoke furious debates over small matters that quickly become emblematic. Salomon Kalou, a gifted soccer player from the Ivory Coast who plays for the famous Dutch club Feyenoord, applied for immediate Dutch citizenship in the hope of being included in the Dutch national team for the World Cup championships to take place later this year in Germany. The minister of immigration, Rita Verdonk, who has presided over a toughening stance towards immigrants and asylum-seekers, has steadfastly opposed granting him citizenship, arguing that Kalou should fulfill the conditions laid down for everyone else, including a five-year residence. This has led to howls of protest from liberals, hitherto used to having everything their way.

Events in Holland are now—for the first time in many years—of interest to its neighbors and near-neighbors, many of whose problems with immigration and multiculturalism are similar. *Le Monde*, the French liberal-left newspaper, reported the Kalou affair, in the process calling Rita Verdonk the most hated politician in Holland: which, translated from *Le Monde*–speak, means that she is by far the most popular politician in the country. According to polls, three-quarters of the Dutch population support her refusal to grant Kalou citizenship merely because he is good at kicking a ball about: They recognize that there is something more at stake than the results of a soccer tournament.

The fact is that Dutch citizenship has hitherto been insouciantly and indiscriminately granted to people to whom it means little other than a meal ticket. There was open, public rejoicing in some of the Muslim-inhabited areas of Holland immediately after the events of September 11, 2001, by large numbers of people who were on social security. The murderer of Theo van Gogh, Mohammed Bouyeri, did not recognize the legitimacy of the law under which he was tried for murder, but, with the grotesque and mercenary hypocrisy typical of Islamic fundamentalism, he did condescend to recognize the legitimacy of the law that had granted him three years' unemployment benefits before he committed the murder.

The disdain that Bouyeri showed towards everything Dutch was not unique to him. A young man of Moroccan origin living in Holland named Samir Azzouz has been arrested several times on suspicion of being a terrorist (he is still only 19). Plans of the Dutch parliament building, Schiphol Airport, and a nuclear power station were found in his apartment after he was arrested during an armed robbery, as well as night-vision spectacles and bomb-making equipment, but this was all deemed by the judges to be of insufficient probative value, especially as the fertilizer he had in his apartment was of the wrong type to detonate a bomb, so he was acquitted on appeal. Who can blame the Dutch if they feel that the law is failing to protect them?

One thing Azzouz can't be accused of is of hiding his disdain for Holland, its government, and its legal system. In his most recent court appearance, Azzouz said, "We reject you, we reject your system, we hate you." As Dickens would have put it, you can't say fairer than that.

Azzouz was defended by a German lawyer long resident in Holland, Britta Böhler, who also defended the murderer of Pim Fortuyn and the Kurdish Pol-Potist Abdullah Ocalan, and who has made no secret of her sympathy for the erstwhile German terrorists of the Red Army Faction. It is hardly surprising if ordinary Dutch people conclude that the rule of law is actually the impunity of terror.

As if this were not enough, there is plenty of evidence that the famed Dutch tolerance is indistinguishable from cowardice, both moral and physical. It is widely known that teachers in Holland are reluctant to teach the history of the Second World War in high schools in areas where there are large numbers of pupils of Moroccan origin, because these pupils will argue either that the Holocaust never took place or that, if it did, it can be reproached only for not finishing the job. Scared of physical attack, the teachers

Mr. Dalrymple is a contributing editor of *City Journal*, and the author most recently of *Our Culture, What's Left of It: The Mandarins and the Masses*.

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The New Anti-Semitism

Does Israel's "intransigence" stand in its way?

The Holocaust, in which over six million Jews were brutally murdered by the Nazis and their enthusiastic collaborators, happened over 60 years ago. So terrific were the events that – even today, about two generations later – nobody would wish to identify himself with them. Yet, a new anti-Semitism is now rearing its head. It is important to be aware of it.

What are the facts?

Who are the new anti-Semites? The new anti-Semites do not publicly proclaim their desire to bring about a second Holocaust or to subject the Jews to mass murder or annihilation. The hatred is aimed against the state of Israel, which, according to the new anti-Semites, represents all that is evil in the world and which is the main violator of human rights and guilty of virtually every other abuse that can be conceived. This poison is now so widespread that a poll taken in Europe not too long ago found Israel to be the greatest menace to the peace of the world – far ahead of such murderous regimes as those of Iran or of North Korea.

> "...the viciousness, volume and consistency of this criticism against Israel is such that it cannot be considered as anything but anti-Semitism..."

The leaders and instigators of this new anti-Semitism are concentrated on the political left, its most active and vocal spokesmen being found in our prestige universities. Such is the anti-Zionist (anti-Semitic) focus of the left that, almost incomprehensibly, it includes a fair number of Jewish professors and other "intellectuals," not just here in the United States, but even in Israel itself.

Those on the extreme left call for the abolition of the State of Israel outright, although they do not tell us what they propose to do with the five million Israeli Jews. They would presumably be left to the tender mercies of the Arabs, who would, of course, have no greater joy than to emulate or perhaps even to "improve" on the Nazi model and to give "final solution(!) to the Jewish problem" once and for all. That isn't going to happen, of course, not because anybody in the world would lift a finger to prevent it, but because, fortunately, Israel is a very strong and most capable nation.

A death wish for Israel. In deference to "world opinion" and also to the wishes of the United States, Israel has allowed itself to be pressured into innumerable concessions to those who are sworn to destroy it. But it seems clear that, when the chips are really down, a most decisive response on the part of Israel can be expected. With the possible exception of Carthage during the Punic Wars, almost 2500 years ago, no country in the world, no country in recorded history, has ever been threatened with extinction. Israel is the one exception. Fueled by the extreme left, the "legitimacy" of Israel is a constant topic of discussion. The abolition of the "Zionist entity" gets serious attention, even in the hallowed halls of the United Nations. Iran feverishly pursues the Holy Grail of atomic weapons. Its president has publicly declared – not once, but repeatedly – that Israel is a "tumor" that must be excised and that it must be wiped off the map of the world. Medium-range missiles (so far, fortunately without atomic warheads) are being paraded through the streets of Teheran, with signs attached to them, shamelessly giving their destination as Jerusalem. A few eyebrows are being raised around the world, but otherwise nothing is being done about it.

Because the memory of the Nazi Holocaust still lingers after all these years, the new anti-Semitism is disguised as the socially more acceptable "anti-Zionism." It is pursued and propagated by the radical left. Every leftist demonstration – be it about the war in Iraq, against globalization, for or against whatever else – does inevitably include appeals against "Israeli subjugation of the Palestinians," the "occupation of Palestinian lands by Israel," or simply asks for the elimination of Israel. Sadly, quite a few Jews, having been saturated with leftism from their early years, participate in such demonstrations.

While the propagation of the new anti-Semitism by prestige universities started in Europe (mostly in England), it has found fertile ground in the universities of the United States. The active participation in the new anti-Semitism by the American clergy (beginning with the Presbyterians) is a scandalous reality.

Surely, not everybody who criticizes Israel is an anti-Semite. The actions of Israel, just as the actions of any other countries, are subject to examination and criticism. But the viciousness, volume and consistency of this criticism against Israel is such that it cannot be considered as anything but anti-Semitism – the new anti-Semitism, disguised as anti-Israelism or anti-Zionism. The foolish professors and the hypocritical preachers are besotted by their leftism and by their hatred against Israel and America. Overt vilification of America has to remain muted – it's somewhat dangerous to be too outspoken about it – but Israel, perceived as the satrap and the handmaiden of the United States in the Middle East, is an easy target. Nobody should be fooled. Anti-Semitism is anti-Semitism in whichever way it may be disguised.

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avoid the subject on the pretext of keeping the peace.

In February 2005, two students at a school attended by many pupils of Moroccan origin were advised by the director of the school to "consider urgently" the question of whether the little Dutch flags that they had sewn onto their school bags were sufficiently sensitive to the feelings of their fellow pupils, or whether they represented a provocation. In other words, the director took for granted that the children of Moroccan origin were profoundly and irredeemably anti-Dutch; he wanted to avoid the violence that he supposed any manifestation of patriotism would inevitably cause.

But pusillanimity and self-loathing have not altogether won the day, and there are signs of a healthy reaction. I had the extraordinary experience recently of finding my ideas about multiculturalism, criminality, and the underclass taken more seriously in Holland than in Britain. I was invited to give a talk in Rita Verdonk's ministry, and found a highly intelligent, receptive, and appreciative, if questioning, audience of civil servants—far better and more open-minded than any audience I have ever had in Britain.

In Holland, for example, unlike in Britain, the reality of forced marriages among the Muslims has already been officially recognized, and the Dutch government has tried to do something about it. (Those who argue that such marriages are culturally rather than religiously sanctioned ignore the fact that they occur from Morocco to Somalia and from Somalia to Bangladesh, whose principal characteristic in common is adherence to Islam.) The law now confers upon Dutch citizens no right to bring into the country spouses they have married abroad, thus recognizing the non-voluntary nature of many of these marriages.

Of course, there are limits, as yet, to the determination of the Dutch to deal with the threat posed by Islamification. For reasons having to do with a residual belief in non-discrimination, the law on marriage applies to all marriages contracted outside of Holland, as if a marriage to a white Canadian from Toronto could possibly have the same sinister social meaning as a marriage to a Moroccan villager. Besides, the failure of other European countries to adopt the Dutch approach, and the recognition of marriages contracted in other member countries of the European Union, leaves a large loophole in the law that will soon be exploited.

Nevertheless, subjects that were taboo in Holland only a few years ago are now openly discussed, often very realistically, by Dutch intellectuals and politicians. Formerly among the most complacent people in Europe, the Dutch are now some of the most fearlessly self-examining (along with the Danes). It is as if they had woken from a beautiful and beguiling daydream and plunged straight into a cold bath of reality.

There is resistance, of course, to the new realism. You do not get rid of the intellectual habits of generations overnight. But I never thought there was the remotest possibility that Holland might in the end show more backbone than any other country in Europe. Now it is distinctly possible. **NR**

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The Dutch capital: A new resolution?

■ THE MIDDLE EAST

Israel's Necessary Man

The one and only Sharon

DAVID PRYCE-JONES

ARIEL SHARON was the man other Israelis always relied on to do the heavy work, which they knew might well turn into dirty work. A minority admired him without reserve for his daring and ability. The majority were usually critical and dismissive. They were sophisticated, were they not, cool, go-getters, part of the Ph.D. crowd homing in on the American campus, people with universal values superior to crude nationalism, and in their view Israelis and Palestinians had only to sit down together and the brotherhood of man would spring up of its own accord.

Sharon knew otherwise in his bones. Born in British-mandated Palestine, he grew up at a distance from Hitler and Stalin, but every Jew of his generation felt the fear of genocide. Subsequent generations took it for granted that nothing of the kind would ever happen again. That, surely, was the justification for the state of Israel.

But the Arabs persisted in picking up and repeating the old European litany of massacre and extermination. Throughout Sharon's life, these Arabs kept on trying to put their threats into practice. Sometimes they invaded in massive strength, sometimes they infiltrated as fedayeen (guerrillas), pioneers of air piracy, and suicide bombers, deliberately out to murder women and children. In this total form of warfare no holds are barred, and what might be called the Queensberry rules governing human conduct are alien to everything in the whole political and cultural system. It was Sharon's insight that the Arabs could only be met on their own terms, and that meant answering force with superior force, dispensing with

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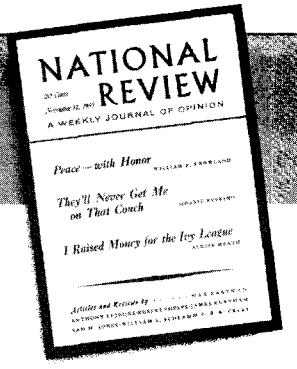
Queensberry rules when necessary.

So he smashed up fedayeen bases and then Arab armies to the point where they could no longer wage war, on occasion disobeying orders to stop. So he drove Yasser Arafat and the PLO out of Beirut into exile in Tunis. So he put down the first intifada by bulldozing passages to enable patrols to pass right through refugee camps in Gaza. So he encouraged Israelis to settle on the West Bank and in Gaza. Hamas is another of the organizations whose policy is to finish Israel off once and for all, and so he approved of the killing of its leaders and activists before they themselves could kill more.

Other generals, for instance Moshe Dayan or Yitzhak Rabin, were more famous, perhaps more appealing. But rumor and report had it that at moments of crisis in the course of campaigns, both of them had lost their nerve, cracked, babbled of defeat. Sharon had no nerves to lose, he believed in his ability, he was the Cat That Walked By Itself, to borrow from Kipling. A blunt man, he had a way of staring hard and hostilely at anyone who asked him to explain why he was acting outside the Queensberry rules like the Arabs. He was easy to criticize, but when the going got rough, even the cool and sophisticated majority were relieved in their hearts that Sharon was there to do what had to be done. Their view of the world collided with his; they couldn't love him, indeed they demonstrated loudly against him, but they needed him to save them and allow them to continue in their own sweet way. Their resentment of this awkward bind went hand in hand with their need for his authority.

As a correspondent, I caught up with him during the Six Day War of 1967. Gamal Abdul Nasser, the Egyptian president, had mobilized his and other Arab armies, and he had Soviet support. The Arab masses were eagerly anticipating the massacring of the Jews so often promised. Burnt-out and twisted piles of Soviet tanks and transporters and trucks signposted Sharon's path through the center of the Sinai desert.

In the Yom Kippur War six years later, I was again a war correspondent—in the Sinai, this time at the Suez Canal, within range of the Egyptian Third Army. I watched Israeli engineers throwing a pontoon bridge over the canal. Tanks then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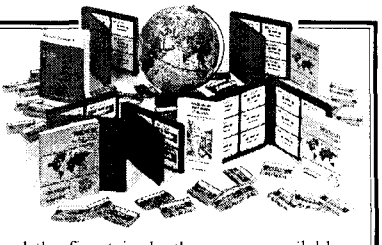

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appeared in swirls of sand, to roar across the shuddering planks of the bridge. And there sitting half out of an open turret, in defiance of possible Egyptian snipers, was Sharon, every inch the commander in the field, with a white scarf and bareheaded, debonair as though at a sporting event. Twenty-four hours later, Sharon's forces had encircled the Egyptian Third Army and were in a position to occupy Cairo. The maneuver is taught in staff colleges.

In the aftermath, Sharon hoped to be promoted to chief of staff, was disappointed, and entered politics. In that arena, he formed a splinter party and negotiated his way into ministerial positions in government. More than controversial, he became thoroughly unpopular, except with the relative few who saw things the way he did. He did not start the policy of building Israeli settlements on the Golan Heights, on the West Bank, or in the Gaza Strip, but he rammed it ahead as energetically as he could, becoming uncrowned king of the settlers and their movement.

At the time of the invasion of Lebanon, Sharon was minister of defense. The purpose was to prevent further PLO attacks on Israel, but a tangled civil and sectarian war was also in progress. Syria had already invaded Lebanon, and was to stay until 2005. Iran had set up the Hezbollah terror organization there, and there were militias variously sponsored by Iraq, Libya, Egypt, and the PLO. What nobody had foreseen was that the Christian Phalangists would seek revenge for their losses at the hands of the PLO by murdering Palestinians in the refugee camps of Sabra and Shatila. American forces had similarly not expected Sunnis to take revenge for their losses by murdering Shiites in Iraq today.

The storm that broke over him was as fierce as it was uncomprehending. He was held "morally responsible" for Sabra and Shatila. In the media everywhere, he became one of the world's major hate figures, commonly labeled a war criminal, a butcher, another Hitler, no less. He must have cared but didn't show it. Realistically and tragically, the invasion of Lebanon was outside Queensberry rules because the Arab political system is strong enough to exclude all other possible responses.

AP

During the Yom Kippur War, 1973

When the Oslo Accords broke down, and Yasser Arafat returned from Camp David in order to start another round of unrestrained violence, the Israeli electorate turned to Sharon. The cool and liberal sophisticates had been proved wrong, and he was right after all. The intifada also had to be dealt with outside Queensberry rules, and he was the only man to do it. And so he did: He broke terror.

After which, something quite unpredictable happened. To judge by the past, Sharon had never seen anything positive on the Palestinian side, and he might have been expected to increase settlements and raise the stakes higher still, in order to deter those who cherished this repetitive habit of attacking Israel. In an amazing evolution, he was now accepting that they would live alongside Israel in a state of their own—to be sure, on the far side of a security barrier. The Palestinians, then, were to receive from him the state they had not been able to put in place for themselves. With high drama, he pulled out of Gaza the very settlers whom he had encouraged to live there; he alienated the minority faithful to him; and appealed to the cool majority that had so loved to hate him to join him in a new party, to be called Kadima.

The French in their day had done something similar in Algeria. Acting with a brutality far outside Queensberry rules, they had militarily defeated the Algerian nationalist movement. General de Gaulle was elected to protect the settlers. Solemnly he declared to the French people that he understood them—the French, the settlers, everybody. In fact, in his own mind he had already decided that history was against him, that France could not protect its settlers in the long run, and that they had to withdraw from Algeria. Independent Algeria might be a horror, but at least it would be one of the Algerians' own making.

Now that Sharon has departed the scene, it will probably never be known how he would have handled evacuation from the West Bank, a perilous measure in the best of times. The Palestinians are due to hold an election for a legislature, and it looks as if Hamas will outperform the PLO's Fatah. The birth of the Palestinian state is difficult enough, but Hamas success could abort it. Whether in the hands of the PLO or Hamas, an independent Palestine looks set to become another lawless horror, but at least Israel will not be responsible for it. Sharon would also have been the man to deal with the menace of Iran, the latest in the long line of regimes to exult in the prospective genocide of Israelis, and Jews.

The moral of the story, though, is clear. People and nations must do what they have to in order to confront and survive aggression. The test of civilization is victory, for this means everything implied by the concept of Queensberry rules, that is to say the immediate return to natural justice, law and order, and in best cases democracy. It takes a great man, a de Gaulle or a Sharon, to understand that and act on it. **NR**

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How to 'Connect the Dots'

Well, for one thing, you use surveillance

ANDREW C. McCARTHY

WASHINGTON's scandal *du jour* involves a wartime surveillance program President Bush directed the National Security Agency to carry out after al-Qaeda killed nearly 3,000 Americans on September 11, 2001. The idea that there is anything truly scandalous about this program is absurd. But the outcry against it is valuable, highlighting as it does the mistaken assumption that criminal-justice solutions are applicable to national-security challenges.

The intelligence community has identified thousands of al-Qaeda operatives and sympathizers throughout the world. After Congress overwhelmingly authorized the use of military force immediately following the 9/11 attacks, the president, as part of the war effort, ordered the NSA to intercept the enemy's international communications, even if those communications went into and out of the United States and thus potentially involved American citizens. According to reports from the *New York Times*, which shamefully publicized leaks of the program's existence in mid-December 2005, as many as 7,000 suspected terrorists overseas are monitored at any one time, as are up to 500 suspects inside the U.S.

As is typical of such wartime operations, the NSA program was classified at the highest level of secret information. It was, nevertheless, completely different from the kind of rogue intelligence operations of which the Nixon era is emblematic (though by no means the only case). The Bush administration internally vetted the program, including at the Justice Department, to confirm its legal footing. It reviewed (and continues to review) the program every 45 days. It briefed the bipartisan leadership of Congress (including the intelligence committees) at least a dozen times. It informed the chief judge of the federal Foreign Intelligence Surveillance Court (FISC), the tribunal that oversees domestic national-security wiretapping. And it modified the program in mid-2004 in reaction to concerns raised by the chief judge, national-security officials, and government lawyers.

Far from being a pretextual use of war powers to spy on political opponents and policy dissenters, the NSA program has been dedicated to national security. More to the point, it has saved lives, helping break up at least one al-Qaeda conspiracy to attack New York City and Washington, D.C., in connection with which a plotter named Iyman Faris was sentenced to 20 years' imprisonment.

As potential scandal fodder, so unremarkable did the NSA program seem that the *Times* sat on the story for a year—and a year, it is worth noting, during which it transparently and assiduously sought to exploit any opportunity to discredit the administration and cast it as a mortal threat to civil liberties. The leak was not sprung until the eleventh hour of congressional negotiations over renewal of the Patriot Act—at which point it provided ammunition to those who would gut Patriot's crucial post-9/11 domestic-surveillance powers and simultaneously served as a marketing campaign for *Times* reporter James Risen, who just happened to be on the eve of publishing a book about, among other things, Bush's domestic "spying."

In fact, so obviously appropriate was wartime surveillance of the enemy that Rep. Jane Harman, the ranking Democrat on the House Intelligence Committee, issued a statement right after the *Times* exposed the program, saying: "I have been briefed since 2003 on a highly classified NSA foreign collection program that targeted Al-Qaeda. I believe the program is essential to US national security and that its disclosure has damaged critical intelligence capabilities." (With partisan "scandal" blowing in the wind, Harman changed her tune two weeks later, suddenly deciding that the "essential" program was probably illegal after all.)

A MIGHTY FUSS

If President Bush's reelection is any indication, what most Americans will care about is that we are monitoring the enemy. Chances are they won't be overly interested in knowing whether that monitoring is done on the president's own constitutional authority or in accordance with a statutory scheme calling for judicial imprimatur. Nevertheless, the Left is already indulging in loose talk about impeachment. Even some Republican "moderates," such as Arlen Specter, say the domestic-spying allegations are troubling enough that hearings are warranted. So it's worth asking: What is all the fuss about?

At bottom, it is about a power grab that began nearly three decades ago. Ever since it became technologically possible to intercept wire communications, presidents have done so. All of them, going back to FDR, claimed that the powers granted to the chief

Mr. McCarthy, a former federal prosecutor, is a senior fellow at the Foundation for the Defense of Democracies and a contributor to National Review Online.

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executive under Article II of the Constitution allowed them to conduct such wiretapping for national-security purposes. Particularly in wartime, this power might be thought indisputable. The president is the commander in chief of the armed forces, and penetrating enemy communications is as much an incident of war-fighting as bombing enemy targets is.

But surveillance power has been abused—and notoriously by President Nixon, whose eavesdropping on political opponents was the basis of a draft article of impeachment. Watergate-era domestic-spying controversies dovetailed with important developments in the law of electronic surveillance. In 1967, the Supreme Court, in *Katz* v. *United States*, held that Fourth Amendment protection against unreasonable searches extended to electronic surveillance—meaning that eavesdropping without a judicial warrant was now presumptively unconstitutional. Congress followed by enacting a comprehensive scheme, known as "Title III," that required law-enforcement agents to obtain a court warrant for probable cause of a crime before conducting electronic surveillance. Yet both *Katz* and Title III recognized inherent presidential authority to conduct *national-security* monitoring without being bound by the new warrant requirement.

Ever since it became technologically possible to intercept wire communications, presidents have done so.

The Supreme Court undertook to circumscribe this inherent authority in its 1972 *Keith* decision. It held that a judicial warrant was required for national-security surveillance if the target was a purely *domestic* threat—the Vietnam-era Court giving higher priority to the free-speech interests of "those suspected of unorthodoxy in their political beliefs" than to the safety of those who might be endangered by domestic terrorists. Still, the Court took pains to exempt from its ruling the "activities of *foreign* powers or their agents" (emphasis added).

The true power grab occurred in 1978, when Congress enacted the Foreign Intelligence Surveillance Act. FISA attempted to do in the national-security realm what Title III had done in law enforcement: erect a thoroughgoing legal regime for domestic eavesdropping. And therein lies the heart of the current dispute. If the president has inherent authority to conduct national-security wiretapping, it is a function of his constitutional warrant. It is not a function of Congress's having failed until 1978 to flex its own muscles. A constitutional power cannot be altered or limited by statute. Period.

But limiting presidential authority is precisely what FISA purports to do. It ostensibly prohibits national-security eavesdropping (and, since 1994, physical searches) unless the executive branch can satisfy a federal judge—one of eleven who sit on a specially created Foreign Intelligence Surveillance Court—that there is probable cause that the subject it seeks to monitor is an "agent of a foreign power" (generally either a spy or a member of a foreign terrorist organization).

FISA does not aim to restrict the power to eavesdrop on *all* conversations. Communications that are entirely foreign—in that they involve aliens communicating overseas, for example—are exempted, as are conversations that *unintentionally* capture "U.S. persons" (generally, American citizens and permanent resident aliens), as long as these communications are intercepted outside the U.S. But where it does apply, FISA holds that the president—the constitutional officer charged with the nation's security—is powerless to eavesdrop on an operative posing a threat to the United States unless a judge—who need not possess any national-security expertise—is persuaded that the operative is a genuine threat. One suspects that such a system would astonish the Founders.

THE BOUNDS OF FISA

Does the NSA program violate FISA? That question is difficult to answer with certainty. The program remains highly classified, and many of its details are not publicly known, nor should they be. Much has been made of the fact that FISA approval is required to intercept calls into or out of the United States if an American is intentionally being targeted. But scant attention has been given to FISA's caveat that such conversations are protected only if their participants have a *reasonable expectation of privacy*. It is difficult to imagine that Americans who make or receive calls to war zones in, say, Afghanistan or Iraq, or to al-Qaeda operatives anywhere, can reasonably expect that no one is listening in.

Nevertheless, it would not be surprising to learn that at least some of the NSA monitoring transgresses the bounds of FISA. For example, the statute mandates—without qualification about the reasonable expectation of privacy—that the government seek a judicial warrant before eavesdropping on any international call to or from the U.S., if that call is intercepted *inside* our borders. A distinction based on where a call is intercepted made sense in 1978. Back then, if a conversation was intercepted inside our borders, its participants were almost certain to include at least one U.S. person. But modern technology has since blurred the distinction between foreign and domestic telephony. Packets of digital information are now routed through switches inside countries (including, predominately, the U.S.) where neither the sender nor the recipient of the call is located. The NSA has capitalized on this evolution, and is now able, from within the U.S., to seize calls between Tikrit and Kabul, or between Peshawar and Hamburg. If done without a warrant, those intercepts present no FISA problem, because all the speakers are overseas. But it's hard to believe that the NSA is using this technology *only* to acquire all-foreign calls, while intercepting calls between, say, New York and Hamburg only from locations *outside* the U.S.

Perhaps that is why the Bush administration's defense has been light on the abstruse details of FISA and heavy on the president's inherent Article II power—although carefully couched to avoid offending Congress and the FISC with suggestions that FISA is at least partly unconstitutional. Essentially, the administration argues that FISA is beneficial in ordinary times and for long-term investigations, but that it did not and cannot repeal the president's inde-

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pendent constitutional obligation to protect the country: an obligation that was explicitly reserved even by President Carter, who signed FISA; that has been claimed by every president since; and that is uniquely vital in a war against thousands of stateless, stealthy terrorists, in which both a "probable cause" requirement and a sclerotic bureaucracy for processing warrant applications would be dangerously impractical.

In advancing this argument, the administration finds much support in the one and only decision ever rendered by the Foreign Intelligence Court of Review—the appellate court created by FISA to review FISC decisions. That decision came in 2002, after a quarter-century of FISA experience. Tellingly, its context was a brazen effort by the FISC to reject the Patriot Act's dismantling of the "wall" that prevented intelligence agents and criminal investigators from pooling information. In overruling the FISC, the Court of Review observed that "all the other courts to have decided the issue [have] held that the President did have inherent authority to conduct warrantless searches to obtain foreign intelligence information." Notwithstanding FISA, the Court thus pronounced: "We take for granted that the President does have that authority."

The administration has also placed great stock in Congress's post-9/11 authorization of "all necessary and appropriate force" against those behind the terrorist attacks. While this resolution did not expressly mention penetrating enemy communications, neither did it explicitly include the detention of enemy combatants, which the Supreme Court, in its 2004 *Hamdi* decision, found implicit in the use-of-force authorization because it is a "fundamental incident of waging war." Capturing intelligence, of course, is as much a component of waging war as capturing operatives. Any other conclusion would lead to the absurdity of the president's having full discretion to kill terrorists but needing a judge's permission merely to eavesdrop on them.

FISA aside, the administration stresses that the NSA program fits comfortably within the Fourth Amendment. That Amendment proscribes *unreasonable* searches, not warrantless ones—and it is thus unsurprising that the Supreme Court has recognized numerous exceptions to the warrant requirement that are of far less moment than the imperative to protect the country from attack. Plainly, there is nothing unreasonable about intercepting potential enemy communications in wartime. Moreover, the courts have long held that searches conducted at the border are part of the sovereign right of self-protection, and thus require neither probable cause nor a warrant. Cross-border communications, which might well be triggers of terror plots, are no more deserving of constitutional protection.

CONSTITUTIONAL AUTHORITY

Critics have made much of a lengthy analysis published on January 6, 2006, by the Congressional Research Service that casts doubt on the administration's core contentions. Media have treated the report as bearing special weight because the CRS is a nonpartisan entity. But that does not mean the CRS is *objective*. "The sole mission of CRS," it explains on its website, "is to serve the United States Congress." Yet the issue at stake is precisely a separation-of-powers dispute.

While the CRS study is an impressive compilation of the relevant law, it resorts to a fairly standard tactic for marginalizing executive power: reliance on the concurring opinion by Supreme Court Justice Robert Jackson in a 1952 case involving President Truman's failed effort to seize steel mills—a move Truman justified by referring to the exigencies of the Korean War. Jackson saw executive power as waxing or waning along a three-stage scale, depending on whether a president acted with the support, the indifference, or the opposition of Congress. On this theory, a statute like FISA could curb a president's inherent constitutional authority. The fatal problem with the Jackson construct, however, has always been that it makes Congress, not the Constitution, the master of presidential authority. It disregards the reality that the executive is a coequal branch whose powers exist whether Congress acts or not. But the CRS prefers Jackson's conveniently airy formula, which failed to command a Court majority, to relevant opinions that don't go Congress's way, such as that of the Foreign Intelligence Court of Review—which, unlike the Supreme Court, was actually considering FISA.

Frustrated by its inability to move public opinion, the Left is now emphasizing the large "volume of information harvested from telecommunication data and voice networks," as the *Times* breathlessly put it, "without court-approved warrants." But this is pure legerdemain. When we refer to "information" from "telecommunication data," we are talking about something that, legally, is worlds apart from the content of telephone calls or e-mail messages.

These data do not include the substance of what people privately say to one another in conversations, but rather comprise statistical facts about the use of telecommunications services (for example, what phone number called another number, the date and time of the call, how long it lasted, etc.). Court warrants have never been required for the acquisition of such information because, as the Supreme Court explained over a quarter-century ago in *Smith* v. *Maryland*, telecommunications data do not implicate the Fourth Amendment. All phone and e-mail users know this information is conveyed to and maintained by service providers, and no one expects it to be private.

Analyzing such data is clearly different from monitoring the calls and e-mails themselves. For our own protection, we should want the government to collect as many of these data as possible (since doing so affects no one's legitimate privacy interests) in order to develop investigative leads. That's how a country manages to go four years without a domestic terror attack.

Yet the Left's rage continues, despite the public's evident disinterest in the mind-numbingly technical nature of the dispute, and despite the obvious truth that the NSA program was a bona fide effort to protect the nation from harm, not to snoop on Americans—only a tiny fraction of whom were affected, and those with apparent good reason. The controversy is a disquieting barometer of elite commitment to the War on Terror. As recently as two years ago, when "connecting the dots" was all the rage, liberals ignored eight years of Clintonian nonfeasance and portrayed the Bush administration as asleep at the switch while terrorists ran amok. Now they ignore President Clinton's insistence on the very same executive surveillance power that the current administration claims and caricature Bush as the imperial president, shredding core protections of civil liberties by exaggerating the terror threat. Either way you slice it, national security becomes a game in which necessary decisions by responsible adults become political grist, and, if they get enough traction, phony scandals. What remains real, though, is the danger to Americans implicit in any system that can't tell a war from a crime. **NR**

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■ POLITICS

A Dem Golden Boy

If not Hillary—why not Virginia's Mark Warner?

JOHN J. MILLER

In the days following the September 11 terrorist attacks, the two men who were then running for governor of Virginia suspended their campaigns. The election was less than two months away, but calling off million-dollar fundraisers and canceling political commercials seemed like the right response to a national tragedy that included a disturbing local angle: The Pentagon, after all, is on Virginia soil.

The race resumed gingerly, as neither Democrat Mark Warner nor Republican Mark Earley knew how a shell-shocked public would react to the partisan jabs that had previously occupied so much of their time. For a short spell, they stuck to positive messages. Yet Earley was behind in the polls, and before long he did what trailing candidates often do: He hit the airwaves with negative ads. Earley accused Warner of planning to raise taxes.

Aiming to protect his lead, Warner shot back with earnest dudgeon. "During this challenging time, the last thing Virginia needs is negative attacks," said one commercial, as if criticism of an opponent somehow violated the "United We Stand" ethic of post-9/11 patriotism. "With Virginia facing a budget crisis and real economic uncertainty, all Mark Earley can offer is more negative attacks," complained another ad. Warner himself was blunt. "I will not raise taxes! I will not raise taxes! I will not raise taxes!" he insisted. In the end, Warner won with 52 percent of the vote.

Breaking crystal-clear tax promises usually doesn't provide a shortcut to political fame and fortune, but Warner broke his anyway: Two years after swearing off tax hikes so unambiguously, he proposed and obtained the heftiest tax increase in Virginia's history, from a Republican-controlled legislature. Largely on the basis of this success, he is suddenly the most talked-about contender for the 2008 Democratic presidential nomination—or at least the most talked-about contender whose name isn't Hillary.

Among Democrats who worry that New York's junior senator cannot win a general election—a fair number, especially among the party's pros in Washington—Warner is currently receiving a long, hard look. On paper, he appears to be exactly the type of candidate Democrats should enlist: As the governor of a southern state, Warner arguably comes from the same mold as Jimmy Carter and Bill Clinton, the only Democrats since the 1960s to sit in the Oval Office. It may or may not take a village to raise a child, but it probably takes Arkansas, Florida, Georgia, or Louisiana to elect a Democrat to the White House.

Or Virginia. Would Warner put it in play for the Democrats, even though none has carried it since 1964? Warner is astonishingly popular. Even though he broke his tax pledge, he has benefited from a healthy economy full of skyrocketing property values, and he has a personal charisma that has won over many skeptics. In July, Warner earned a 74 percent approval rating in a Mason-Dixon survey, which was the highest figure for any governor in the polling company's 20-year history. Warner couldn't run for reelection last November—in Virginia, governors are limited to a single term—but he did help push his lieutenant governor, Tim Kaine, to victory. (Kaine tied himself to Warner so closely that the *Washington Post* likened him to a "little brother.") Warner remains a blip on the national radar, earning just 3 or 4 percent support in polls of Democrats. Yet when *National Journal* recently asked party insiders to handicap the 2008 field, Warner was chosen as more likely than any other candidate (except Hillary Clinton) to win the Democratic presidential nomination. Even Congressman Tom Davis, a Virginia Republican, has called Warner "presidential material."

Some observers suspect that Warner is merely the Democrats' latest flavor-of-the-month, and that he's really running for vice president. Yet those who know him best doubt it. "He's not the kind of guy who settles for number two," says a former member of his administration.

A SUCCESS STORY

The 51-year-old Mark Robert Warner is tall, dark-eyed, and toothy. He possesses a jaw that's so angular it looks like a drafter used a T-square to design it. He is not a Virginian by birth, or even a southerner: He was born in Indianapolis, raised in Illinois and Connecticut, and graduated from George Washington University. "I majored in Washington, D.C.," he once said. After Harvard Law School, Warner returned to the capital and worked as a fundraiser for the Democratic National Committee. In the early 1980s, through his political connections, he caught wind of a remarkable giveaway: The Federal Communications Commission was handing out free licenses for cell-phone bandwidths. Warner quit his job and organized groups of investors to enter these FCC-run lotteries. Rather than taking fees for his services, Warner grabbed a share of the proceeds when these licenses were resold in private auctions—and he made millions overnight. (The FCC now holds its own auctions, cutting out opportunists like Warner.)

By the 1990s, Warner was said to be worth $200 million. He got involved in Virginia politics, served as the state's Democratic chairman, and in 1996 ran against Republican senator John Warner. (Despite sharing a last name, the two men aren't related.) "MarkNotJohn" bumper stickers began to appear on cars, as the Democrat sank $10 million of his own money into the race. When the votes were finally counted, Sen. John Warner won reelection 53 percent to 47 percent—a surprisingly close call for an entrenched incumbent. Republicans speculated that some voters were confused by the last names—in other words, they hoped that bewilderment over "MarkNotJohn" and "JohnNotMark" was a one-time fluke. Others, however, observed that the challenger seemed to perform better in rural areas than Democrats generally had a right to expect. Mark Warner emerged from the contest as a loser, but his star shined as brightly as ever.

The near miss in 1996 laid the groundwork for a successful governor's race five years later. Warner sponsored a vehicle in the

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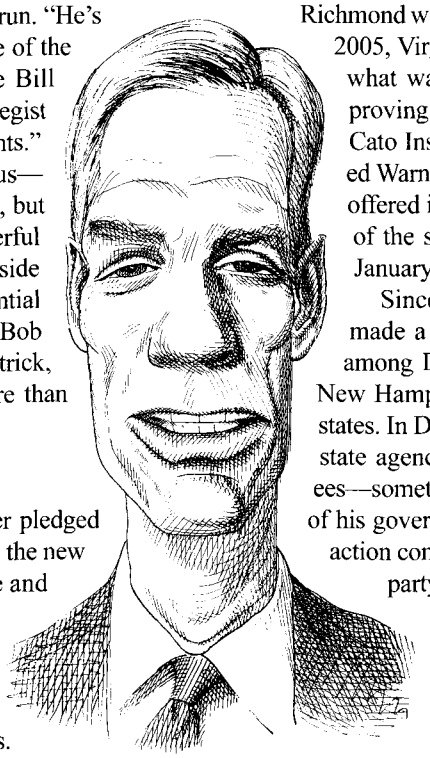
NASCAR Craftsman Truck Series, organized a group called "Sportsmen for Warner," and even commissioned Democratic consultant Dave "Mudcat" Saunders to compose a bluegrass song about his candidacy. "We said something that a lot of people had never thought of: You can like NASCAR, you can like hunting, you can like bluegrass music, and you can still vote for a Democrat," Warner observed after his election. In addition to embracing red-state culture, Warner made frequent visits to southwest Virginia for talks on economic development. And this time he carried the rural vote.

The 2001 election remains the only political race Warner has won, though few doubt that he would have cruised to victory again in November if he had been allowed to run. "He's a brilliant political strategist," says Ed Kilgore of the Democratic Leadership Council. "He's like Bill Clinton that way—he's a better political strategist than any of the people he can hire as consultants." The NASCAR move was especially ingenious—Warner only sponsored one truck for one race, but he has leveraged this single foray into a powerful symbol of his ability to connect with voters outside of his party's base. (Two years ago, the presidential campaigns of Democrats Howard Dean and Bob Graham tried to duplicate Warner's NASCAR trick, but nobody credited them with anything more than Johnny-come-lately phoniness.)



Mark Warner

ROMAN GENN

DEFEATS AND VICTORIES

After an inaugural address in which Warner pledged "plain old straight talk" about the state budget, the new governor embarked on a series of legislative and political defeats. Most noteworthy were a pair of referenda in northern Virginia and the Hampton Roads area that would have permitted local residents to institute regional sales taxes to pay for transportation upgrades. As a candidate, Warner had maintained a carefully calibrated position: He was not for or against a sales-tax increase in these areas, but the locals ought to be able to make such decisions themselves. The Earley campaign, on the other hand, didn't support the referenda, but it was the issue of taxes that became the main point of contention. According to the Earley campaign, Warner expected to pay for 40 percent of his statewide transportation budget with revenues from those regional tax increases. Warner responded by accusing Earley of taking liberties with the truth. "The old style of politics of saying anything to get elected is not what we need," he said at a debate. "No matter how many times my opponent may say otherwise, *I will not raise your taxes*."

As it happened, Warner's support for the referenda—as governor, he supported their passage outright—did not lead to any new taxes: Sizable majorities of voters in both regions rejected the tax increase in 2002. Despite this setback (and others), Warner was still determined to raise more cash through the sales tax. He returned in 2003 with an explicit proposal to boost not just the statewide sales tax, but the income tax on top earners and the cigarette tax as well. "Don't jump to sound-bite conclusions," pleaded Warner. "This is a fiscally conservative plan." The governor's version of fiscal conservatism was projected to cost Virginians an additional $1.1 billion in taxes in its first two years. He was helped immeasurably by a group of Republican lawmakers who actually proposed a tax-hike plan twice as large. Their scheme gave Warner enormous cover, and even made his proposal look moderate. The Virginia Chamber of Commerce also backed the governor, partly believing that his budget would protect the state's bond rating but mainly because many of its members felt they had an interest in new spending on education and transportation. In the end, Warner pushed through a tax increase of $1.4 billion over two years.

Yet not a penny of it seems to have been necessary: Despite the governor's dire warnings of a budget gap, it turns out that Richmond was actually running a surplus. By the summer of 2005, Virginia had collected more than $2 billion above what was needed to meet its obligations, essentially proving that the increase had been unnecessary. The Cato Institute's fiscal report card on governors awarded Warner a grade of D, and the governor's last budget, offered in the closing weeks of his tenure, returns none of the surplus to taxpayers. (Warner leaves office on January 14.)

Since Kaine's election in November, Warner has made a concerted effort to become a national figure among Democrats. He has taken the requisite trips to New Hampshire and South Carolina, two early primary states. In December, he signed an executive order banning state agencies from discriminating against gay employees—something he could have done in the first 47 months of his governorship. Perhaps most significant, his political action committee, Forward Together, threw a fundraising party and pulled in $2.5 million. That's an impressive farewell gift for a guy ostensibly leaving public office. The PAC also recently hired Jerome Armstrong, a prominent left-wing blogger, to contribute to its website; Armstrong is the coauthor of a forthcoming book on web politics, *Crashing the Gate*, with Daily Kos impresario Markos Moulitsas Zúniga. Although Warner is no leftist—he has shied away from dramatic statements about Iraq, for instance—this is a subtle bid to build enthusiasm among the activist segment of the party's base.

If liberals have experienced any frustration with Warner, it's been with his refusal to take on Republican senator George Allen, another Virginian with presidential ambitions. Allen will stand for reelection this year, and Democrats would love to rough him up, or perhaps even deliver a career-ending defeat. The person with the best chance of doing either is Warner, and by running against Allen he would potentially perform an enormous service to his party. But Warner clearly understands that Allen's career wouldn't be the only one on the line.

It seems, for the time being, that he would prefer to remain his party's most intriguing governor (or ex-governor), rather than cede this advantage to Bill Richardson of New Mexico or Tom Vilsack of Iowa. And as he travels the country between now and 2008, Warner is sure to repeat a line that he utters just about every time he appears before a crowd: "If we can do it in Virginia, we can do it in America."

Someone should ask him: Is that a promise—or a threat? **NR**

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■ SOCIETY

59 Cents, and Other Rot

A look at some feminist myths

KATE O'BEIRNE

Feminists have made the workplace worse by waging an ideological campaign to portray working women as a victimized class, discriminated against in pay and persistently preyed on by male oppressors. Not content with the equal opportunity women presently enjoy, the feminists reject other women's free choices and demand a strict regime to dictate wages.

The persistent fable that women are denied equal pay for equal work has been a never-empty tank of gas that fuels feminism. Since the 1960s, when feminists sported "59 cents" buttons, they have loudly claimed that the disparity between the average wages of men and women is the result of rampant sex discrimination. The demand that people be paid the same salary for doing the same job, regardless of their sex, naturally enjoys broad support. But a sympathetic public is largely unaware that the claim that women face widespread wage discrimination is a myth.

Disparities in wages do exist—but they are largely between women with children, on one hand, and men and single women, on the other. This is not sex discrimination, but rather the result of choices mothers freely make in their desire to balance work and family responsibilities.

Since the Equal Pay Act of 1963, sex discrimination in hiring, promotion, or pay has been illegal. While there might be isolated examples of sex discrimination in the workplace, our competitive economy demonstrably provides equal opportunity for women. But the wage warriors peddle victimhood and demand equal outcomes, regardless of individual priorities and choices. To make the case that women remain victimized, feminists point to average overall male and female wage numbers, rail against a "glass ceiling" that blocks women's ascent to the top ranks of American businesses, and decry "undervalued" women's work that condemns women in predominantly female fields to toiling in a "pink ghetto."

Like so many other female scribes, reporter Rachel Smolkin of the *Pittsburgh Post-Gazette* cited job segregation as strong evidence of sex discrimination in 2001, writing, "Women make up only 1.3 percent of plumbers, pipe fitters and steamfitters and only 1.2 percent of heating, air conditioning and refrigeration mechanics. . . . These occupations offer men with high school educations well-paying opportunities that remain largely closed to women."

Reprinted from *Women Who Make the World Worse* by arrangement with Sentinel, a member of Penguin Group (USA), Inc. Copyright (c) 2005 by Kate O'Beirne.

Feminist dogma demands that all discrepancies be seen as evidence of sex discrimination that will be eliminated only when women have achieved parity with men in all occupations. So American women, the most accomplished and liberated women in the history of the world, need gender preferences in the 21st century in order to compete. Only preferential treatment will achieve the longed-for goal of having women make up 50 percent of plumbers or pipe fitters.

If it is true that women work for salaries that are 25 percent less than what men with similar educations, skills, and job experiences would earn, American employers are guilty—of violating the law of supply and demand. With a cheap female-only workforce, an employer could bury his competition. (For a time: The resulting competition would bid up the price of female labor until we reached equal pay for equal work—which is what we have now.) Recent Census Bureau data reveal that, in 2003, college-educated black women, on average, earned more than college-educated white women ($41,100 a year versus $37,800). The report didn't raise outraged cries of discrimination against white women. Instead, it offered the uncontroversial explanation that minority women tended to work longer hours, hold more than one job, and take less time off after having a child. But such differences are dismissed out of hand when they apply to the wage gap between men and women.

In a classic example of how feminists ignore evidence against the existence of discrimination in order to make the case that women face bias in the boardroom, authors Suzanne Nossel and Elizabeth Westfall devoted a book to the desperate plight of female lawyers. *Presumed Equal: What America's Top Women Lawyers Really Think About Their Firms* concluded that "systemic forces hold back women's progress and will continue to do so until institutional and societal changes are made," despite women's parity in law-school admissions and success in landing top legal jobs. Yet in Nossel and Westfall's own survey, women associates said that their prospects for promotion were equal to those of their male colleagues, "provided they [were] willing and able to put in the long hours and enormous energy." The attrition rate for women lawyers was admittedly higher than for men, largely owing to "the difficulty of sustaining a law firm career once one has children." The women surveyed by the authors showed "a keen awareness that the women who had achieved the greatest success in their firms did so at considerable cost."

A MATTER OF TRADEOFFS

Many of the women lawyers whose frustrated career aspirations were chronicled by Nossel and Westfall had clearly made personal decisions that affected their lives at the office. These tradeoffs between work and family explain some of the gap between the average wages of men and women, and are responsible for the figures that supposedly show a glass ceiling.

These differences reflect, in part, the different priority men and women place on the demands of their families. In 1991, women without children earned 95 percent of men's salaries when other factors like education levels and experience were taken into account, but mothers, on average, made 75 percent of men's wages. Numerous other studies also find that although marriage doesn't lower earnings, having children does. Being a woman is not in conflict with having a demanding career, but being the kind

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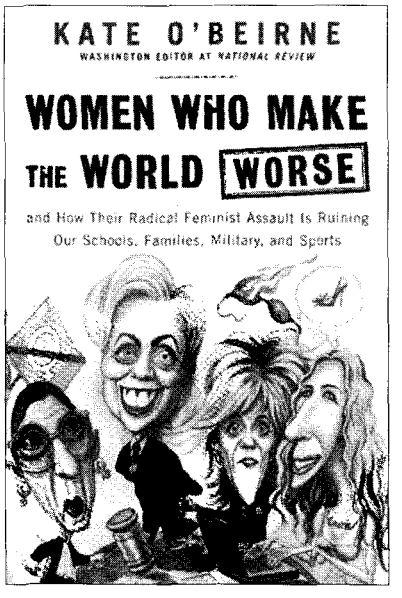
of devoted wife and mother many women choose to be is. As law professor and author Kingsley Browne notes, "Those individuals, whether male or female, who are inclined toward competition, risk taking, and status seeking are more likely to reach the pinnacle of organizational hierarchies than those who are not."

In *Why Men Earn More*, Warren Farrell shatters the myth of sex discrimination in salary disparities. He pays women the enormous compliment of assuming them capable of understanding the choices that affect salary rates and of taking lessons from the comprehensive jobs data he presents. Farrell provides far more help for working women than the wage warriors' agenda does.

Farrell explains that in the old days, when he served on the board of the National Organization for Women in New York City, he proudly wore a "59 cents" button, not yet wondering why anyone ever hired a man when women allegedly did the same jobs for far less. While working on his doctorate at New York University, Farrell studied government data that refuted the feminist line. He learned that, as far back as the 1950s, the gap between the average wages of never-married women and never-married men was less than 2 percent. Never-married white women between the ages of 45 and 54 actually earned 106 percent of their never-married white male counterparts in Lucille Ball's day. And well over 20 years ago, men and women were paid equally when they had the same title and the same responsibilities.


KATE O'BEIRNE
WASHINGTON EDITOR AT NATIONAL REVIEW
WOMEN WHO MAKE
THE WORLD WORSE
and How Their Radical Feminist Assault Is Ruining
Our Schools, Families, Military, and Sports

One can imagine how lonely Farrell must have felt when, like a good feminist, he was claiming discrimination against women professors but simultaneously discovering that women professors nationwide who had never married and never published earned 145 percent of their male counterparts' average salary.

He figured that the data showing never-married, educated women earning 117 percent of never-married, educated men's salaries reflected the superior ambition and work ethic of these women. But it wasn't just these educated women who made more than similarly situated men. Census data also told him that women who work part-time make $1.10 for every dollar earned by male part-timers who work the same number of hours.

While Farrell cites the most current data, he notes that, when it comes to examining gender discrimination in the workplace, the books are cooked. "At this moment in history, gender-specific research is funded with a consciousness toward making women in the workplace look equally engaged but unequally paid." He explains that if studies focused on the employment decisions many women make, such as choosing flexible, fulfilling jobs, working fewer hours, declining to move to undesirable locations, or taking more family leave, it would be clear that these preferences explain disparities in average wages.

When Farrell helpfully turns his attention to giving women advice on boosting their earnings, he examines about two dozen causes of the disparity between the average wages of men and women and highlights all the fields where women earn significantly more than men. The 39 occupations where women earn at least 5 percent more than men range from aerospace engineering (111 percent of male wages) to financial analysis (118 percent) to speech pathology (129 percent) to auto repair (129 percent). Over two dozen college majors, including computer engineering, civil engineering, and history, lead to higher pay for women than for their male colleagues. He cites a United Kingdom study that found the choice of college major explained 80 percent of the discrepancy between men's and women's average wages. Farrell notes that "the subjects most popular with women, such as literature and art, are also more likely to leave women unemployed and overeducated." Women are 53 times more likely than men to get master's degrees in education rather than the physical sciences, and this number has increased over the past ten years.

PRETTY IN PINK

One woman has done more to advance the financial independence of American women than all the theorists, academics, columnists, and counselors who push the agenda of feminist liberation. When Mary Kay Ash died at age 83 in 2001, she left 850,000 sales consultants in 37 countries with both the independence that comes from running their own small businesses and a philosophy of personal achievement that transforms lives. In 1963, after working for 25 years in the man's world of direct sales, Mary Kay, whose father was an invalid, rejected the idea that "God wanted a world in which a woman would have to work fourteen hours a day to support her family, as my mother had done." But she didn't take to the streets, convene a seminar, lobby for legislation, or whine about the male patriarchy. With a $5,000 investment, Mary Kay Ash founded the cosmetics empire that now has over $2 billion in yearly sales. She launched her fleet of pink Cadillacs as the showy status symbols of her vision to provide women with unlimited opportunity for personal and financial success.

Mary Kay Ash counseled that women could "have it all" if they prioritized their lives with God first, family second, and career third. I have witnessed her legacy firsthand. My sister Virginia Rowell is one of the company's most successful consultants. Hundreds of thousands of women have realized Mary Kay's dream. The charitable foundation she created raises money to combat domestic violence and cancers affecting women.

Fortune named Mary Kay Cosmetics one of the "100 Best Companies to Work For in America." Mary Kay told an interviewer in 1996, "As far as I am concerned, our legacy will be that we have helped hundreds of thousands of women find out how great they really are. And that they can do anything in this world they want to do if they want to do it bad enough—and are willing to pay the price."

Mary Kay Ash had the confidence in American women that their supposed feminist champions lack. Unlike the wage warriors who sell victimhood rather than empowerment, this entrepreneurial woman understood and respected the choices women make in balancing work and family—and the sacrifices they make on behalf of their children and the men they love. **NR**

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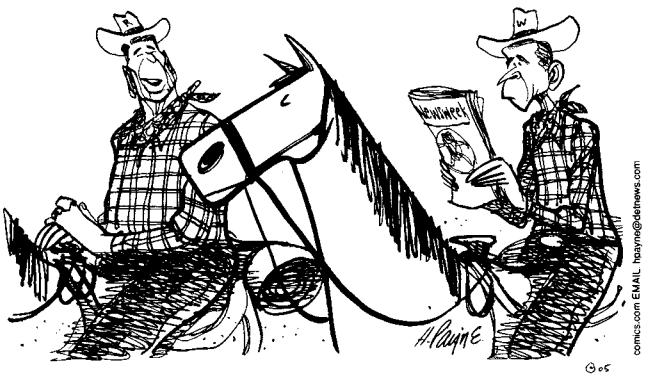
HELP!!!!

The Gas Man

Putin, who never took Ec-1
(The KGB proscribed it, hon),
Reads meters with the laissez-faire
Of Al Capone when on a tear.
Last week he cut Kiev's gas off,
Which made the Germans sneeze and cough
Like Good King Wenceslas when snow
Lay all about. Vlad's back at GO.

—W. H. von Dreele

"Where did I bury the loot?
I thought you buried the loot!"



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HE'S BEEN ENDORSED BY THE BIGGEST ORGANIZATION OF LAWYERS IN THE COUNTRY!
CKLL
THE TIMES-PICAYUNE
LOOK, ARE YOU MAKING YOUR CASE OR MINE?

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the long view

ROB LONG

Clicking around the dial . . .

On *Hardball with Chris Matthews*:

MATTHEWS: "I'm here with Howard Fineman from *Newsweek*. Howard, you're the best in the business."
FINEMAN: "Thanks, Chris."
MATTHEWS: "Howard, it's been almost four months since the Katrina disaster in New Orleans. We've all had a chance to catch our breath and figure some things out. So let me ask you, from your perspective, what went wrong there?"
FINEMAN: "Well, Chris, it's hard to pinpoint one specific thing. I mean, first, the levees, obviously."
MATTHEWS: "The levees?"
FINEMAN: "Yeah. And the dynamics of surging water created a situation that—"
MATTHEWS: "No, no, no. I don't mean 'what went wrong' as in 'what went wrong with the levees and the flooding and the thing,' I mean 'what went wrong' as in 'what went wrong with the media reports.'"
FINEMAN: "Not following you."
MATTHEWS: "C'mon, Howard, you're the best in the business. We had reports about looting and rapes and cannibalism and thousands of bodies in the street, and it turned out that none of this was true."
FINEMAN: "Well, right, but—"
MATTHEWS: "Howard Fineman, you're the best in the business. Isn't it true that the big story out of New Orleans is about reporting and journalism and the new media age?"
FINEMAN: "I like to think that the big story was about water and flooding and inefficient bureaucracy."
MATTHEWS: "Yeah, okay, that's *a* story. But isn't the *big* story about this job and this profession? Isn't Katrina really a story about us and the way we do our jobs?"
FINEMAN: "You know what? I think you may be on to something."

Click

On *Meet the Press* with Tim Russert

RUSSERT: "My guest today is Secretary of Defense Donald Rumsfeld. Good morning, Mr. Secretary."
RUMSFELD: "Good morning, Tim."
RUSSERT: "Mr. Secretary, last month Americans watched images across their television sets of happy, jubilant Iraqis with purple ink-stained fingers casting a ballot in the first totally free election in the Middle East in recorded history. Let me ask you, sir, if I may: What went wrong?"
RUMSFELD: "Well, I think a number of things, Tim. First, we had good security going into the election process. We also had excellent communication between the parties that—wait a minute. What went *wrong*?"
RUSSERT: "Yes sir. What went wrong?"
RUMSFELD: "I confess, Tim, that I'm unclear here."
RUSSERT: "Mr. Secretary, we were led to believe, following press reports and news accounts, as well as the reporting filed by credentialed journalists in theater, that the election last month was going to be an abject failure, and would probably result in what one reporter described as a 'bloodbath.' Sir, what went wrong?"
RUMSFELD: "With the bloodbath? Um . . ."
RUSSERT: "Sir, wouldn't you say that the big story out of Iraq is the state of journalism in America today, how we gather and report the news?"
RUMSFELD: "I like to think that the big story out of Iraq is that highly trained, highly competent brave Americans in uniform have brought freedom and—"
RUSSERT: "That's certainly *one* of the stories, yes. But if I could, sir, just ask you to focus for a minute on *another* of the big stories—the important role of the news media."
RUMSFELD: "I'm not sure this is really about you."
RUSSERT: "But in a very real sense, sir, isn't it *always* sort of about us?"
RUMSFELD: "No."

Click

On *Anderson Cooper 360°*

COOPER: "My guest today is Howard Kurtz, CNN's media analyst, and a columnist for the *Washington Post*. Hi, Howard."
KURTZ: "Hi, Anderson."
COOPER: "Howard, I think all Americans were heartbroken last week when the story of the West Virginia miners took its tragic and devastating turn. What do you think went wrong there?"
KURTZ: "Well, Anderson, I'm no mining expert, but it seems to me that there was some sort of explosion, right? And the miners scrambled for safety and—"
COOPER: "Yeah, Howard, I don't mean 'what went *wrong* wrong.' I mean 'what went wrong with the media reports.'"
KURTZ: "Oh."
COOPER: "I mean, in a sense, don't you find the media angle here—the fact that journalistic checks and procedures broke down—in many ways the *second* tragedy in West Virginia?"
KURTZ: "I think I may need to think about that for a moment."
COOPER: "In a very real sense, Howard, isn't the whole journalistic profession trapped in a mine of its own, if you will? And isn't that a tragedy, not just for West Virginia, but for the whole country?"
KURTZ: "Um . . . I'm not sure these things are really equal."
COOPER: "No, no, no. Of course not. I mean, the thing down there with the guys and the fabric thing and the fumes—of course, big, *big* tragedy. But if I could just get you to focus, for a moment, on the *media* angle here, the *journalistic* angle, which is something, frankly, that we in the news business don't do enough of, I was wondering if . . ."

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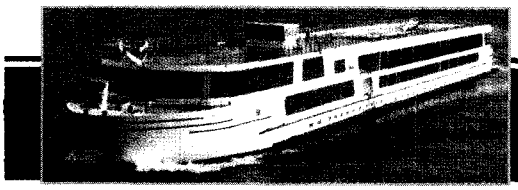
WITH MICHAEL NOVAK, CAL THOMAS, MONA CHAREN, JOHN O'NEILL
KATE O'BEIRNE, RICH LOWRY, JAY NORDLINGER, & BOB NOVAK



VISITING AMSTERDAM, DÜSSELDORF, COLOGNE, KOBLENZ, MAINZ, RÜDESHEIM, HEIDELBERG, MANNHEIM, STRASBOURG, AND BASEL

WE ARE PROUD to announce *National Review*'s next delightful adventure: our 2006 Rhine River Charter Cruise.

Featuring a line-up of all-star conservative speakers, and a glorious four-country Rhine River itinerary—Amsterdam in The Netherlands; Düsseldorf, Cologne, Koblenz, Rüdesheim, Mainz, Mannheim, and Gernsheim in Germany; Strasbourg in France; and Basel in Switzerland—this special trip (which includes two days "pre-cruise" in Amsterdam!) will take place May 4-13, 2006, aboard Viking River Cruises' new and luxurious 5-star *Helvetia II*.

You must join us for this thrilling charter trip—our *NR*-only contingent of congenial conservatives will enjoy a fabulous itinerary and inclusive excursions—a package that Viking River Cruises *specially* designed for us! We're certain this will be another intimate *NR* experience (the luxurious *Helvetia II*, which will launch in April, 2006, holds just 200 people) that you won't want to miss.

Joining us for all the unrivaled conservative revelry and discussion of major events, trends, and policies will be **Michael Novak**, the eminent scholar and author (the NRO Contributing Editor writes powerfully on theology, economics, and public policy); **John O'Neill**, the Vietnam War hero who founded "Swift Boat Veterans for Truth," which played a major role in the 2004 presidential elections, respected columnists and authors **Cal Thomas** and **Mona Charen**, and *NR* all-stars **Rich Lowry**, **Kate O'Beirne**, and **Jay Nordlinger.**

And ace political columnist **Robert Novak**—who's covered Washington intrigue for four decades—has just confirmed that he too will join us, guaranteeing that *NR*'s 18th(!) cruise will be second to none. The itinerary alone is worth the trip:

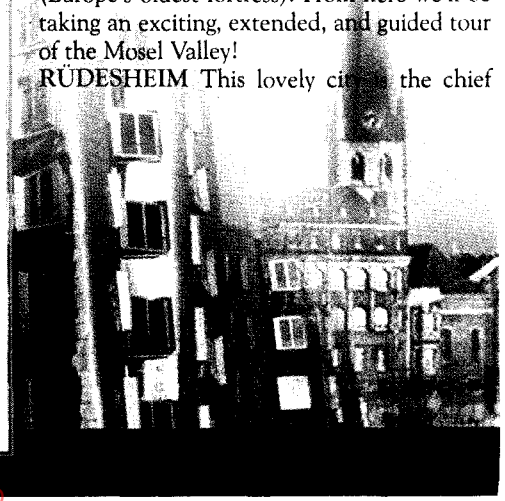
AMSTERDAM This 800-year-old city is renowned for its magnificent museums, colorful gardens, glorious architecture, and endless lattice of canals. During our pre-cruise stay, we'll enjoy a special tour of the famous Keukenhof/Aalsmeer flower auction.

DÜSSELDORF This major arts center, home to numerous theaters, museums, and the German Opera House, is also a shopper's paradise (the Königsallee features many classy shops and pavement cafés). Our guided city tour will include a visit to Benrath Palace, with its stunning rococo interior and massive, beautiful gardens.

COLOGNE An intriguing mix of old and new, Cologne's Roman heritage is evident from the city's layout and many ancient ruins. Its modern plazas and the Hohe-Strasse, a pedestrian-only retail zone, provide ample shopping, lively bars and enticing restaurants. On our city tour, we'll visit the city's famous 14th century gothic Dom Cathedral (as well as a "Brauhaus" visit!).

KOBLENZ Capturing traditional German charm, this city of cobblestone streets, ancient market squares, and medieval churches is home to the Ehrenbreitstein (Europe's oldest fortress). From here we'll be taking an exciting, extended, and guided tour of the Mosel Valley!

RÜDESHEIM This lovely ci[illegible] the chief



8 FREE TOURS, INCLUDING HEIDELBERG & MOSEL VALLEY!

DAY/DATE	PORT	ARRIVE	DEPART	SPECIAL EVENT
Thur/May 4	Amsterdam	Arrive morning		Transfer to hotel
Fri/May 5	Amsterdam			Keukenhof/Aalsmeer flower auction tour
Sat/May 6	Amsterdam		6:30pm	Afternoon panel session Evening cocktail reception
Sun/May 7	Düsseldorf	11:00am	(overnight)	Morning panel session City tour/Benrath Palace
Mon/May 8	Düsseldorf		4:30am	
	Cologne	9:00am	10:00pm	City Walk/Cathedral and Brauhaus Tour Late-night Smoker
Tue/May 9	Koblenz	6:00am	2:00pm	Mosel Valley excursion Afternoon panel session Evening cocktail reception
	Rüdesheim	7:30pm	(overnight)	Late-evening wine tasting
Wed/May 10	Rüdesheim		6:00am	
	Mainz	8:30am	12:00 noon	Gutenberg museum and City walking tour
	Gernsheim	2:30pm (drop off)		Heidelberg excursion
	Mannheim	6:00pm	(overnight)	
Thur/May 11	Mannheim		2:00am	Morning panel session
	Strasbourg	2:00pm	(overnight)	City tour Late-night smoker
Fri/May 12	Strasbourg		1:00pm	Alsace/Vosges excursion Afternoon panel session Evening cocktail party
Sat/May 13	Basel	12:00 midnight (arrive)		

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on Viking River Cruises' new *Helvetia II*

Cruise

FREE TWO-DAY PRE-CRUISE STAY IN HISTORIC AMSTERDAM!

ROBERT NOVAK
CABINS REMAIN!

center of the Rhine wine industry. Its famed Drosselgasse, a tavern-lined, cobblestone street, attracts locals and visitors alike. Half-timbered medieval houses, narrow streets, and old inns give the town the flavor of the Middle Ages.

MAINZ This ancient Roman city and important Middle Ages' trade center is famous as the home to printing pioneer Johannes Gutenberg. *NR*'s contingent will be visiting the Gutenberg Museum, as part of a City Walking tour. St. Stephen's Cathedral, which features Chagall's glorious stained-glass windows, is a must-see!

GERNSHEIM From this charming port we'll take an *NR* group tour to Heidelberg, famous for its esteemed university, charming Old Town, and awesome castle.

MANNHEIM Renowned for its classical "chessboard" layout dating from the 17th century, Mannheim—featuring many elegant shops, cafés, and restaurants—is a haven for culture and the arts. You'll find the baroque Mannheim Residence, with its ornamental stucco knights' hall, of special interest.

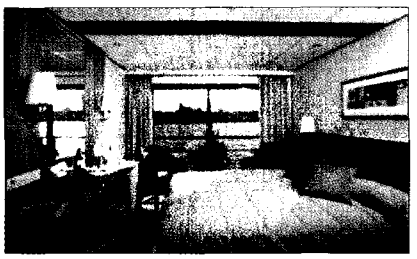
STRASBOURG This delightful border city exhibits both French and German influences. The old streets of "Petit France"—we'll saunter down them on the *NR* guided City Walk tour—with wooden houses and picturesque canals seem to make time stand still. We'll stay in this very special place overnight, with our second "day" featuring an NR excursion to delightful Alsace and Vosges.

BASEL Our last port is located at the point where French, German and Swiss borders meet, historic Basel, with cobblestone streets, 18th century buildings and three surviving medieval gates, is the gateway to the Swiss Rhineland.

NR-ONLY LUXURY CRUISE LIMITED TO 170 GUESTS. PRICES START AT $3,999 P/P!

A relaxing journey down the glorious Rhine on the beautiful, new Viking *Helvetia II* is the best way to see Europe up close and in depth! Superior service, gourmet cuisine, elegant cabins, expert-led excursions—and the pleasure of traveling with an *NR*-only group—await you on our special trip. Prices are per-person, based on double occupancy, and include port fees, taxes, gratuities, group excursion, all meals, entertainment, and admittance to and participation in all *National Review* functions.

DELUXE SUITE All staterooms on the beautiful new *Helvetia II* are a comfortable 155 square feet, and include a private bathroom and shower, TV, safe, hairdryer, air-conditioning, and come with a variety of window selections:



CATEGORY A French WIndows which open to small exterior river view landing, allowing you to stand outside and enjoy the lovely scenery (Upper Deck). $4,399 p/p or $7,399 Single

CATEGORY B Large wIndow with river view opens to let in fresh breezes and magnificent vistas (Middle Deck). $4,199 p/p or $7,199 Single

CATEGORY D Small wIndows with river view (Main Deck). $3,999 p/p or $6,599 Single

That phenomenal cruise will be made all the better by the many "extras" that are part of an *NR* experience: ***The National Review 2006 Rhine River Charter Cruise*** will feature six seminar sessions (each two hours!) where our guest speakers and editors candidly discuss today's most important issues; three classy cocktail receptions and two delightful "smokers" featuring H. Upmann cigars (picture yourself on the Sun Deck, a delightful drink in hand, surrounded by new-found friends, as the luxurious *Helvetia II* gently sails past the most charming villages and vistas you will ever see, in the company of friends old and new!); plus intimate dining on two nights with our editors and guest speakers!

It's the trip of a lifetime—that's why 40 cabins (nearly half our available rooms!) are already booked. Don't miss out: Sign up today—call 1-800-707-1634 for a reservation kit, or get complete information (and sign up) right now at **www.nrcruise.com.**

Experience the trip of a lifetime: Join us in May—with Michael Novak, Robert Novak, Cal Thomas, Mona Charen, John O'Neill, Rich Lowry, Kate O'Beirne, and Jay Nordlinger—on the ***National Review 2006 Rhine River Charter Cruise.***

TO RESERVE YOR STATEROOM VISIT WWW.NRCRUISE.COM OR CALL 1-800-707-1634

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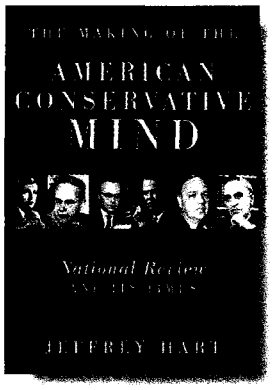

The Making of the American Conservative Mind: National Review and Its Times,
by Jeffrey Hart
(ISI, 394 pp., $28)

GEORGE H. NASH

Fifty years ago last autumn, William F. Buckley Jr. launched a "journal of opinion" for "radical conservatives." *National Review*, he announced in its opening issue, stood "athwart history, yelling Stop." Fifty years later, his daring venture had not only defied the tides of history but had altered their course.

How did this happen? Like many another little magazine, *National Review* could easily have foundered on the shoals of ideological disaster. It could have become a voice of carping irrelevance, the plaything of an isolated sect. Instead, it grew to refine and then to redefine the mainstream of American public life. In *The Making of the American Conservative Mind*, Jeffrey Hart aims to tell us why.

In many ways Hart is ideally equipped for this task. A reader of *National Review* since its inception, and one of its senior editors since 1969, he has both observed and participated in its development. Along the way he has come to know nearly all the intellectuals who put their imprint on its pages. His appraisals, in this book, of such men as Russell Kirk, Frank Meyer, Willmoore Kendall, and James Burnham are astute and illuminating. For these alone his book should not be missed.

The Making of the American Conservative Mind is not a formal, scholarly history. Part chronicle, part memoir, it might best be described as a rich, discursive meditation on *National Review*'s encounter with the world. How Buckley's magazine dealt with the John Birch Society, Barry Goldwater, Richard Nixon, Ronald Reagan, and much more: All are part of Hart's kaleidoscopic narrative.

His book is, however, a meditation with a theme. For Hart, *National Review*'s half-century of public engagement conveys a lesson. There is, he avers, a moral to the story. As Hart sees it, the history of *National Review* is a "Quest Narrative: the quest for a politically viable and thoughtful American conservatism." In pursuit of this objective, he says, the magazine has repeatedly oscillated between an "ideal right-wing Paradigm and realistic Possibility." Time and again it has been forced to choose between ideological purity and what Buckley called "the politics of reality." This enduring tension between Idea (or desire) and Actuality was related, in Hart's telling, to another question: Just what kind of journal of opinion did *National Review* aspire to be—the voice of a backwater "bayou" or a guide for the national "mainstream"? Did the journal wish to convert the liberal Establishment it steadily assailed or to destroy it and replace it with something else? Did it hope to speak to an educated elite or to the "silent majority"?

In shaping the magazine's outlook and message, no one (save Buckley) was more crucial, according to Hart, than James Burnham. Readers of *National Review* know Burnham as the magazine's foreign-policy guru and author of a regular column on "The Third World War" (i.e., the Cold War). But as Hart demonstrates, the former Trotskyist's influence at the magazine was even greater than those roles might suggest. Tirelessly he pushed it, both in style and substance, toward the "mainstream," and away from what he deemed to be dogmatic posturing. Quietly and persistently he lobbied for what Hart calls "prudential," "flexible," and "strategic" conservatism, in opposition to the stubborn, sectarian "utopianism" of some of his colleagues. At a time when many at NR were ardent Goldwaterites, Burnham pined for Nelson Rockefeller for president. The feisty journal never went *that* far, but Burnham succeeded (says Hart) in convincing Buckley that *National Review*, to be influential, must always maneuver within sight of the political center.

Burnham is clearly Hart's hero, a man he hails as "indispensable" to *National Review*'s success. Not surprisingly, Hart examines the magazine's encounter with "actuality" through Burnhamite lenses. He argues, for instance, that *National Review* was quite wrong about its early bête noire, Dwight D. Eisenhower, whom the magazine refused to endorse for reelection in 1956. Relying upon recent revisionist historical scholarship, Hart lauds Eisenhower as a model of "prudential conservatism"—and as one of the three most successful presidents of the 20th century. Similarly, he interprets *National Review*'s obstreperous defense of Joseph McCarthy as an early episode in the magazine's "recurrent struggles between wish and reality."

More controversially, Hart bluntly accuses the contemporary right-to-life movement—an integral part of conservative reality since the 1970s—of "utopian," even "Jacobinical" tendencies. Invoking the sainted name of Edmund Burke, he asserts that a complete ban on abortion in America will never happen. The *Roe* v. *Wade* decision, he says, and the "women's revolution" that preceded it reflect "a relentlessly changing social actuality" that simply cannot be revoked by legal fiat. The women of America, he opines, "will not surrender control of their reproductive capacity."

Curiously, Hart, a Roman Catholic convert, never really addresses the morality of abortion. Instead, he offers William James's "philosophy of experience" as "a sounder guide to morality" than natural-law thinking and appears to counsel accommodation to

Mr. Nash is the author of *The Conservative Intellectual Movement in America Since 1945*.

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putatively irreversible social trends.

Summing up his excursion through *National Review*'s history, Hart asserts that the magazine taught American conservatives "how to think"—that is, how to argue their case in the arena and avoid the pitfalls of doctrinaire "utopianism." On the whole he is proud of the magazine's extraordinary achievements. It courageously resisted the "hard utopianism" of the Communists and the "soft utopianism" of the liberals. It defended the validity of the nation-state and the need for national defense. It championed free-market economics and successfully subverted socialist orthodoxy.

But Hart is critical, too, and worried. Over the years, in his opinion, *National Review* has neglected aesthetic issues and conservation of the natural environment. Above all, he is dismayed by what he regards as a rising tide of *unconservative* ideology and sentiment on the American right—a tide embodied, for him, in the "hard Wilsonian" foreign policy of George W. Bush and the idealistic fervor of his Evangelical allies.

This leads us to the moral of Hart's story, which erupts with muffled fury toward the end of his book. "Ideology," he warns, "is always wrong because it edits reality and paralyzes thought." Wilsonianism, he adds—whether "hard" or "soft"—is "a snare and a delusion" in foreign policy and "far from conservative" in spirit. And Protestant Evangelicalism—a crucial element in today's conservative coalition—he deems inherently "antitraditional" and not reliably conservative at all. About the faith-driven "actuality" of contemporary conservatism Hart, the disciple of Burnham, is an unhappy man.

In part his discomfiture illustrates how profoundly the landscape of American conservatism has changed since 1955. In *National Review*'s first 25 years, conservatives were a defiant minority comprising three elements: libertarians, traditionalists, and Cold Warriors. Since 1980 two more have come aboard: the neoconservatives and the interfaith Religious Right. During *National Review*'s second quarter-century, intellectual conservatism has become more majoritarian and less "aristocratic" in its self-understanding, and more hopeful, even ambitious, in its bearing. Meanwhile conservative institutions, activists, and culture warriors have proliferated from the Beltway to the blogosphere. Although *National Review* remains highly influential in this new environment (and increasingly so through National Review Online), its original role as the movement's tutor and counselor—its Burnhamite role—is no longer uncontested. And Burnham-style "strategic" conservatism—so dominant during the magazine's "outsider" years—has given way to a politics of greater expectations.

Hart extols Ronald Reagan as a prudent conservative, but Reagan was also an optimistic, proactive, and quintessentially idealistic conservative.

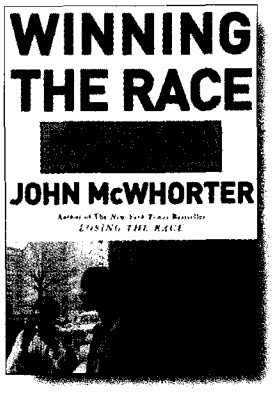
What, then, should we make of Hart's interpretation of NR's first half-century? Certainly the tug-of-war between ideals and "actuality" has been *one* theme in *National Review*'s history, and one worth pondering during our current discontents. As a corrective to ideological hubris, Hart's morality tale is instructive. But prudential conservatism teaches more than one lesson. "The politics of reality," unchecked, can be a snare. Realism itself can become a confining ideology. Adjustment to "actuality" carries its own peril in a too-easy assumption that the future must always resemble the present.

Hart extols Ronald Reagan as a prudent conservative, and Reagan certainly was not reckless. But he was also an optimistic, proactive, and quintessentially *idealistic* conservative, determined to alter the reality of the Cold War. And he did.

American conservatism at its Reaganite best is a combination of impulses—of realism and idealism, of prudence and hope, of worldly sobriety and faith-based aspiration. If *National Review* can keep this reality in focus, it will have much to teach us during its next 50 years.

But first, let us pause and enjoy Hart's spirited stroll down Memory Lane. **NR**

Closer to The Prize



Winning the Race: Beyond the Crisis in Black America, by John McWhorter (Gotham, 434 pp., $27.50)

ROGER CLEGG

Call me Pollyanna if you like, but I'm convinced that race relations in the United States have never been better. There is no longer any government-backed or institutionalized racial discrimination (with the important but dying exception of affirmative action against whites and, frequently, Asians), and racism is about as legally and socially unacceptable as anything can be in an open society. A mere 50 years ago, none of this was true.

This is good news, because America has always been a multiracial and multiethnic society, and it is becoming dramatically more so. Were we bitterly divided into racial enclaves, this would be a scary time, but the remarkable fact is that Americans get along quite well with one another—so well, indeed, that most Americans can claim to be multiethnic and more and more can claim to be multiracial. Anti-assimilationists and identity-politics demagogues remain, so we need to focus more on assimilation and continue to press for the abolition of racial and ethnic preferences; but those fights are winnable and are being won.

Mr. Clegg is president of the Center for Equal Opportunity in Sterling, Va.

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The arguable exception to this rosy view involves a large chunk of the African-American population. To the extent that there is residual racism in this country—and there is not much—it is aimed mostly at blacks. But racism is not a major impediment any longer to African Americans, nor, specifically, is it the cause of the black underclass; it is, to be candid, the effect. That cause is cultural, and the cure must come largely from within the black community, so thank goodness for John McWhorter.

McWhorter holds a doctorate in linguistics from Stanford, and was teaching at the University of California at Berkeley when his powerful book *Losing the Race: Self-Sabotage in Black America* (2000) hit the bestseller lists. He is now a senior fellow at the Manhattan Institute, where he is a prolific and wide-ranging writer, continuing to publish about language but also about music, popular culture, and of course race. His tenth and latest book, *Winning the Race: Beyond the Crisis in Black America*, is, as the title suggests, a sequel of sorts.

McWhorter's thesis is straightforward: The New Left of the 1960s screwed up black people. "The nut of the issue," he writes, "is that black America turned upside down in just a particular ten-year period, from 1960 to 1970, and that this era left us a legacy much more damaging today than anything racism left us." During that lamentable decade, the Left expanded welfare and encouraged blacks to view it as something they were owed and to which they were entitled. This, says McWhorter, complements but is distinct from Charles Murray's thesis in his 1984 classic *Losing Ground* that, race aside, the welfare system created incentives for unemployment and out-of-wedlock childbearing. The results, in any case, were disastrous: "[W]here white radicals taught us to take a page from their new animus against The Suits and thumb our noses at The System and go on welfare because whitey wasn't devoted to us getting ahead, they sent us to hell."

Many blacks also were taught then that racism was to blame for their problems, that to be authentically black thus meant to be resentful of whites, and that any black person who believed and acted otherwise was a traitor. This "meme" of "therapeutic alienation" was seductive and addictive, since it enabled African Americans to escape a sneaking suspicion that all those myths of inferiority were not myths after all. Its pervasiveness and perniciousness among blacks is, says McWhorter, his book's "central thesis."

In the book, McWhorter skillfully weaves together social science, news stories, and personal experience. Like another African-American academic, Shelby Steele, the author argues persuasively that psychological needs explain both white liberalism and black resentment: It makes liberals feel good to think they are helping wretched black folk, and the fact that they really aren't is irrelevant; similarly, blaming racism for black failures is much less painful for African Americans than accepting responsibility for them.

McWhorter very effectively skewers the notion that racism remains omnipresent and oppressive. What racism remains cannot explain "millions of black people checking out of the job force forever, abandoning their children, letting a violent drug trade become the economic foundation of their communities, or even claiming in diversity seminars and classrooms and on op-ed pages that their lives are defined by endless encounters with bigotry." With respect to the black middle class in particular, he approvingly quotes the late Senator Moynihan's comment that it is "caught with the legacy of grievance which is inappropriate to their condition." Racism is now (in McWhorter's words) "an occasional nuisance that need not impede the black success that we wish."

McWhorter stresses that, while blacks faced more discrimination in the days of Jim Crow, their culture then was healthier, with a stronger work ethic and less crime, illegitimacy, and drug addiction. In 1960, he notes, two out of ten blacks were born out of wedlock; by the mid-1990s, seven out of ten were. In the 1960s, African Americans lost a sense of shame about illegitimacy and much else.

Winning the Race demolishes the claim that factory relocation and the departure of middle-class role models is to blame for inner-city decay (he focuses on the example of Indianapolis, where there was no appreciable factory relocation but the inner city decayed anyway). McWhorter also marshals the evidence that belittling academic excellence as "acting white" is a real phenomenon and a real problem, "a facet of black peer culture that senses school as something separate from black culture."

Racial preferences—a.k.a. affirmative action—aggravate this problem, since they undercut insistence on black excellence. The claim that "diversity" improves education is unpersuasive, especially when weighed against the myriad social costs of the preferences used to guarantee it. And one of those costs is the mismatching of black students and their schools, with the predictable results that Thomas Sowell long warned about and that UCLA law professor Richard Sander has now quantitatively documented: Sander, a liberal who had been favorably disposed toward affirmative action, has concluded that in fact there are now *fewer* black lawyers because of it.

"Attitude, then, plays a big part here," writes McWhorter. Quite an understatement, that, by the time we get to the book's end. The oppositional mindset is self-destructive in school, in the workplace, at home, in the 'hood—even on the radio. Thus, McWhorter, who is not prudish enough for my tastes, nonetheless concludes that "rap is *the most overtly and consistently misogynistic music ever produced in human history*" (emphasis his).

INSCRIPTION

i. m. SJM 1939–1993

Life was for you the unfolding of a crime
You could not solve but must be faithful to.
You felt abandoned always, until time,
Which will solve everything, ran out on you.

—ROBERT MEZEY

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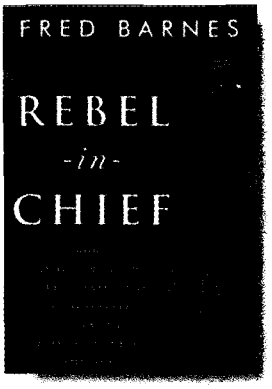
All true, but it is not immediately obvious what to do about it. McWhorter argues that it is a mistake to act as if black people were cynically claiming discrimination "to line their pockets"; they really believe it. Nonetheless, it is essential that African Americans choose as leaders those who reject alienation and embrace positive self-help. Those leaders these days are at least as likely to be Republicans (consider faith-based initiatives and school choice) as Democrats (too many of whom are leftist victimologists who "paint blacks as victims rather than victors" and whose unrealistic proposals essentially reject capitalism). He is optimistic that "America is quietly getting past race despite the best efforts of the Soul Patrol to pretend otherwise."

McWhorter has his failings: "I did not vote for Bush in 2000 or 2004," he admits; he says that racial profiling "is a genuine and serious problem" (a remarkable assertion, in light of the work his colleague at the Manhattan Institute, Heather Mac Donald, has done on this issue); he gives at most two cheers for capitalism; and he says that hip-hop, whatever its failings as social thought, still has "a delicious beat." It's just as well, though, since the choir doesn't need to be preached to, and these failings may give him credibility with the unconverted.

More serious is McWhorter's refusal to say that the black underclass's embrace of a deviant and self-destructive culture is simply "their fault": They are, in his view, "a people deprived by history" of a more positive mindset and purpose. He loses me here, on both counts. In 2006, it *is* their fault, and there is plenty of positive black history—as indeed McWhorter himself has catalogued elsewhere, notably in a 2001 essay for *City Journal*, "Toward a Usable Black History."

Most serious of all is his uncharacteristic confession that, when confronted with fellow African Americans who have bought into victimology and alienation, he will "quietly shut down and . . . quickly agree[] with any further expressions of fantasy." That is exactly wrong. The failings in black culture that McWhorter has so brilliantly described are much more likely to be corrected when they are pointed out by fellow African Americans. But, of course, in his heart John McWhorter knows this, or he couldn't have written this wonderful book. **NR**

A Time to Lead

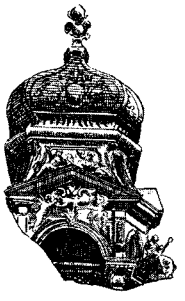


Rebel-in-Chief: Inside the Bold and Controversial Presidency of George W. Bush, by Fred Barnes (Crown Forum, 224 pp., $23.95)

QUIN HILLYER

For over a quarter-century, the engaging Fred Barnes has provided essential political analysis, in print and on TV, that cuts through the Washington cant. It should therefore surprise nobody that even in a work that is not his best effort, Barnes provides exceptionally wise insights on current politics.

Rebel-in-Chief, in its analysis of George W. Bush's presidency, reads too often like a pure paean—and a slightly disorganized one at that. In Barnes's telling, Bush "is a president who leads," "a visionary," a "moralist and an idealist"—a "president of consequence" who "achieved big things" and "delivered five or six of the most important and eloquent presidential addresses of the last half-century." Barnes even excuses, explicitly and repeatedly, the president's "fondness for federal spending" and his disdain for "small-government conservatives." In short, a reader might just get the impression that Barnes admires the man.



But Barnes being Barnes, he has still managed to produce a book so well worth reading that wise historians will long consult it for clues about what made Bush tick, and what made his presidency far more significant than not. To his great credit, Barnes understands what most Washington cognoscenti don't: In the ways that matter most, George W. Bush already has been a successful president.

When Bush took office, Afghanistan, Pakistan, Saudi Arabia, the Palestinians, and Libya all were causing major trouble, "and terrorism was growing in southeast Asia" as well. But now, Barnes writes, the landscape is dramatically different: "Afghanistan and Iraq are pro-American democracies. Both Pakistan and its rival, India, are allies of the United States. Saudi Arabia is of less help to al-Qaeda, which has been weakened. Libya has disarmed. Israel and the Palestinians are closer to a peace settlement than at any time in decades. . . . Popular pressure for democracy has broken out in the Middle East. . . . Free elections followed in Lebanon and democratic stirrings were detected in Syria."

That list of positive developments catalyzed by Bush doesn't even include democratic reforms in Ukraine and Georgia, or the strengthening of ties to Great Britain, Australia, Poland, and Italy, or the electoral defeat of Germany's noxious Gerhard Schroeder. Nor does it include Bush's capital-gains tax cut that contributed to today's extraordinary economic boom.

Barnes carefully explains just how and why Bush—not Vice President Dick Cheney, not other advisers, but Bush himself—developed the strategies that brought about these successes. In doing so, he explodes the myth that Bush is an intellectual lightweight. The man fleshed out in *Rebel-in-Chief* is a voracious reader, and a creative thinker capable of rare insights that others miss.

One reason Bush sees what others don't—e.g., that anti-terrorism policy requires warfare rather than mere law enforcement; that freedom can take root even in long-repressive societies; that domestic policy should emphasize "ownership" and "choice" and thus wean Americans from bureaucracy—is that he remains admirably aloof from Washington's elites. "He's an alien in the realm of the governing class," Barnes writes.

Mr. Hillyer is an editorial writer and columnist for the *Mobile Register*.

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"Bush loves to smash conventional wisdom and destroy myths."

Rebel-in-Chief lands some strong punches on the Washington establishment. They said Bush couldn't win elections primarily by energizing his base—but he did. They said he couldn't win a campaign in which he discussed Social Security reform—but he did. They said he couldn't help his party gain seats in a midterm election, that his reelection campaign would fail if the turnout were large, that he had to name a woman or minority nominee to replace Justice O'Connor, and that the U.S. could not walk away from the anti-ballistic-missile treaty without prompting a new arms race with the Russians.

On all these fronts, Bush flummoxed the elite. But Barnes is most devastating in his dissection of political Washington's cluelessness on matters of faith. The chapter titled "Faith-Based" is the book's strongest, and it demonstrates that Bush is remarkably in touch with mainstream America.

It's not that Bush is unusually prone to proselytizing. In fact, Barnes quotes definitive studies showing that Bush mentions his faith less often than past presidents, including Bill Clinton. And he has set strict rules limiting the situations in which religious references are appropriate for presidential speeches. What sets Bush apart is that he almost certainly takes his faith more seriously, or more personally and deeply, than other presidents did.

It is this seriousness that the elites detest. Barnes describes how reporters frequently misunderstand faith-based references that are common to the vast majority of Americans—and thus miss the point of what Bush is saying. In one priceless example, *New York Times* reporter Frank Bruni proved completely unfamiliar with Bush's reference to specks in a neighbor's eye and logs in one's own. Reporters often fear that such references are some sort of dangerous theocratic code—but as Bush adviser Michael Gerson explains, "They're not code words. They're our culture."

Barnes and Bush both credit that mainstream American culture with more wisdom than the elites possess. That's why it's disappointing that both of them seem to think the broader culture doesn't care much about fiscal responsibility. I believe they are wrong. Barnes dismisses "small-government conservatism" as a "theology" and its goals as a "fantasy." But John McCain, who for better or worse is no slouch at discerning the zeitgeist, has become ever louder in calling for spending restraint, and the fiscally conservative Republican Study Committee is for good reason becoming increasingly powerful on Capitol Hill. The realization is growing that plenty of red-state Americans still believe that the phrase "small-government conservatism" is a redundancy, and "big-government conservatism" not just an oxymoron but an affront.

***Rebel-in-Chief* lands some strong punches on the Washington establishment.**

On the whole, though, Barnes strikes the right notes, with his usual verve. The greatest virtue of *Rebel-in-Chief* is that it explains not just the *what* of the Bush policy choices, but also the *why*. The elite media may treat the Bush worldview as something from outer space, but Barnes shows just how deep and admirable are its intellectual, cultural, and historical roots—and how Bush has branched out from those roots in new, apparently rebellious directions, but in a way that nourishes those roots instead of abandoning them.

Barnes may be premature in declaring that "thanks to Bush, a Republican era is now at hand." But he gives a persuasive explanation of why Bush is succeeding in his struggle, not just against monolithic thought in the nation's capital, but against tyrants around the globe. **NR**

WHAT THEY'RE SAYING ABOUT

"If you are ever in doubt as to the conservative position on a given issue and cannot listen to my radio show, consult NRO."

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Nasty Piece Of Work

Our Endangered Values: America's Moral Crisis, by Jimmy Carter (Simon & Schuster, 224 pp., $25)

JOHN DERBYSHIRE

It is the little things that stick in the mind, those transient items that show up on an inside-page paragraph of one's newspaper for a day or two, then vanish, forgotten by everyone else but oneself. Here is one of those oddities from the Carter years. In mid-September 1980 a Russian soldier sought refuge in the U.S. embassy in Kabul, Afghanistan. Astoundingly—this, please remember, was nine months into the Soviet occupation of Afghanistan, a geostrategic event of the first magnitude—there was no one at the embassy who could understand Russian. After a few days, during which the air in the embassy must have been well-nigh crystalline with embarrassment, a deal was struck—no doubt "assurances" were given—and the unfortunate squaddie was returned to the tender care of the Soviet military authorities. I often wonder what became of him. Better not to know, perhaps.

This little incident has always stood for me as a symbol of the cluelessness and impotence of the Carter administration, by common agreement one of the low points in 20th-century American statecraft.

Now, there is a case to be made that some, at least, of that administration's misfortunes were not Jimmy Carter's fault. The man was elected president of an angry, unhappy country, afflicted with major systemic problems and confronted by bold, ruthless enemies. "Stagflation," with which the Carter presidency will be forever associated, was ten years in the bud, was the fruit of policies taught and approved by most expert opinion at the time, and was vanquished at last by Paul Volcker, a Carter appointee. The hostage-taking in Teheran called for a brisk military response; yet America's military, reflecting the mood of America herself, was never less keen on, or less equipped for, action of that kind than in 1979. The farcical "killer rabbit" incident might have happened to any president. Let's face it, the guy had some bad breaks.

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Yet still, with all allowances made and all excuses listed, there is an inner core of awfulness to Jimmy Carter. *Our Endangered Values*—it is his 20th book—makes this clear.

It is clear, for example, in the dishonesty with which Carter confronts, or fails to confront, his own record, both as president and as ex-president. Sometimes the sleight of hand is flagrant: "I announced that the protection of [human rights] would be the foundation of our country's foreign policy, and I persistently took action to implement this commitment. It has been gratifying to observe a wave of democratization sweep across our hemisphere and in other regions . . ." It has indeed been gratifying, but the causal link implied by Carter's account is, to say the least, not readily apparent. The December 31, 2005, issue of NATIONAL REVIEW carried a graph titled "Worldwide Poverty and Economic Freedom" clearly showing that the positive trend in those indices began in the mid-1980s as a result of Ronald Reagan's policies.

At other times Carter paints the picture more skillfully, as in the account of his mission to North Korea in 1994. In Carter's telling, the wise and pragmatic Kims, responding to Carter's own earnest sincerity, were all set to "bring peace to the [Korean] peninsula," until George W. Bush recklessly reneged on Carter's carefully wrought agreements. In fact the ex-president's 1994 dealings undercut the Clinton administration so shamefully that the word "treason" was heard around Washington. (Peter Schweizer's 2002 book *Reagan's War* was even more explicit about Carter's tendencies in this regard, unearthing Soviet records that showed Carter asking the Soviets for help in both the 1980 and 1984 elections—by, for example, permitting more Jews to emigrate—and promising that these favors, if granted, would not be forgotten.)

Carter's cluelessness is also on open display here. On crime: "Our nation's almost total focus is now on punishment, not rehabilitation." And are crime rates lower now than in 1980, or higher? "My cochairs at both conferences were the U.N. Commissioners for Human Rights." Ah, the U.N., that stalwart champion of human rights! Speaking of one of his Third World projects: "We have been amazed at the response of people to these new latrines, especially in Ethiopia." Perhaps it is a heartless thing to mock a man for trying to help poor people in faraway places, but my own reflex thought on reading that line was: "Ethiopia? Where your chum Fidel Castro deployed several thousand troops in the late 1970s to support that nation's Marxist junta?"

As a foreign-born citizen, I have always felt a tad ashamed of my loathing for Jimmy Carter. He is, after all, a very American figure. No other nation but ours could have produced this particular combination of dogged industriousness, earnest religiosity, public spirit, and shameless self-promotion. In externals, there is even something admirable about the man. He served his country, in the military and in public life, very conscientiously. He practiced business with modest success. (I have never felt happy with Republican scoffing at Carter as "the peanut farmer." What is wrong with being a peanut farmer?) His rise to the highest levels of office was driven at least in part by an earnest desire to do right by his fellow citizens. He claims adherence to a studious and generous style of Christian belief. His private life has been spotless, his administration down at the low end of the corruption scale.

Very American. Yet it often happens that the purest breed of dog, with all the "points" perfectly developed, is sickly and ill-tempered in personality. So with Carter. Under stress, the industriousness collapsed into a futile busyness, the patriotism became inverted into bitter rage toward his country for not being what he wished her to be, the religiosity curdled into a narrow, spiteful self-righteousness. Probably Jimmy Carter was never a very nice person. "Humorless grind" was my own first impression of the man, when he showed up on the national stage. His exceptionally decisive rejection by the electorate in 1980 (with his own party controlling both houses of Congress before the election, Carter won only six states), the migration of his Evangelical flock away from theo-liberalism, and a quarter-century of brooding on those things have turned him into a very nasty piece of work indeed, a peevish liar filled with resentment against his country and those non-Carters she has stupidly chosen to elect.

Possibly there is an element of tragedy in Jimmy Carter's long fall. To engage with a tragedy, though, you must feel some initial warmth, some liking, for the principal character. Jimmy Carter is an awfully hard man to like. **NR**

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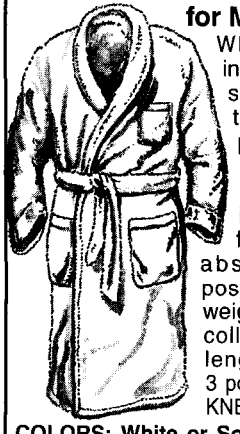

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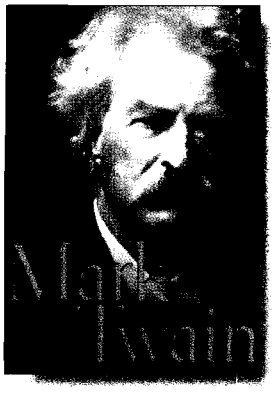

Mark Twain: A Life, by Ron Powers
(Free Press, 736 pp., $35)

JOHN WILSON

SEVERAL months ago the *New York Times Book Review* published an essay by James Atlas bemoaning the state of biography in the United States, in comparison with the genre's long flourishing in Great Britain. Americans, Atlas concluded, lack the "biography gene." Worse yet, in their vulgar American way, they've *professionalized* the genre, don't you know. Around the same time came a piece by Jay Parini in *The Chronicle of Higher Education*, lamenting the relative indifference surrounding literary prizes in the U.S., whereas the Brits fight about the Booker et al.: clear evidence of the superior vigor of their literary culture.

After an encounter with fawning Anglophilia of this stripe, there's only one reliable antidote: a straight shot of Mark Twain. It's one of the merits of Ron Powers's new biography that he's created—while telling Twain's story—a superb mini-anthology of Twainian wit, a sovereign remedy for all manner of foolishness and pretension. To get the taste of Atlas and Parini out of one's mouth, for instance, one need only turn to the pages in which Powers quotes from Matthew Arnold's patronizing review of General Grant's memoirs—and Twain's response.

Arnold admired Grant as a man, but in the memoirs he "found a language all astray in its use of *will* and *shall*, *should* and *would*," indeed a language "without charm or distinction." Twain returned fire in a speech at the Army and Navy Club in New York on April 27, 1887. His most deadly tactic was simply to read from Arnold's review: "Meade suggested to Grant that he might wish to have immediately under him Sherman, who had been serving with Grant in the West. He begged him not to hesitate if he thought it for the good of the service. Grant assured him that he had not thought of moving him, and in his memoirs, after relating what had passed, he adds . . ." And then, Powers says, Twain delivered his "snapper": "To read that passage a couple of times would make a man dizzy; to read it four times would make him drunk."

Bless Mark Twain, and bless Ron Powers for giving us many glimpses of the man at his best. If you haven't read a biography of Twain recently, this book will give you all you want to know about the creator of Tom Sawyer and Huckleberry Finn: his childhood in Hannibal, Mo., his meteoric rise to fame, his world travels and his excruciating business failures, his charm and his crankiness, and the demons that bedeviled him. While some biographies have the effect of embalming their subject, Powers brings his to life. His book is clearly the product of enormous research, a labor of love, yet there's nothing fussy about the writing.

That said, some vexations must be registered, ranging from minor irritation to one disagreement that gets to the core of Twain's legacy. First, then, there's the matter of Twain's names. A cadre of scholars insists that we must never refer to the writer as "Twain" but always as "Mark Twain," since the pseudonym—harking back to the days when Samuel Langhorne Clemens was a steamboat pilot on the Mississippi—makes sense only as a unit. Never mind that countless readers have spoken freely of "Twain" and will continue to do so. Never mind that this "rule" is precisely the sort of fetish that Twain himself ridiculed. Powers unaccountably buys it, referring to his subject as "Sam," "Clemens," or "Mark Twain," depending on the context, hopping from one to another in a very self-conscious and obtrusive way.

That's a burr, but the sort of thing that a fair-minded reader will groan over and then try to ignore. It's not as easy to ignore Powers's penchant for casting Twain as America's first rock star, a preposterous anachronism that appears to grow out of the misguided fear that Twain won't seem "relevant" to 21st-century readers unless he's tricked out in such garb. Even when Powers is not so obviously straining, his attempts to draw parallels with events in his narrative routinely misfire, as when he compares Twain's hapless brother, Orion, flitting from one bright idea to another, to Arthur Miller's Willy Loman from *Death of a Salesman*. (Both men were "obsessed with a muddled American dream that had already failed to come true." One might just as perspicaciously compare Orion to Hamlet on the grounds that both were indecisive.)

Still, none of this is likely to distort a reader's overall sense of Twain. What might have that effect is Powers's treatment of a dark strand in Twain's thought that grew more prominent after the death at age 24 of his beloved daughter Susy, felled by meningitis in 1896. Even before Susy's death, Twain's inner weather had changed. Powers notes that the novel *Pudd'nhead Wilson*, completed in the early 1890s, "expresses the existentialist doubt that had beset Samuel Clemens for

Mr. Wilson is editor of *Books & Culture*.

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years, and flickered into some of his earlier works. The doubt concerned human identity, the chance that only dreams were 'real,' and reality the real 'dream.' With *Pudd'nhead Wilson*, that doubt gained permanent primacy in his work."

The "permanent primacy" of this theme is debatable, but Powers is right that, in certain moods, such thoughts seemed to dominate the aging Twain's consciousness. In other moods, though, as Powers himself shows at length, the substance of Twain's dark musings was quite different from this stuff of dreams. For years he tinkered with various manuscripts in which Satan figured prominently as the author's alter ego. In this state of mind, as his daughter Clara recalled, "Father created the habit of vituperating the human race." Human beings were no more than vermin—vermin with an inflated sense of their own importance and an extraordinary ability to deceive themselves, when in fact they inhabited a meaningless deterministic universe. And so on.

While acknowledging that these late works lack "literary greatness" (the exception is "The Man That Corrupted Hadleyburg," which Powers overestimates, I believe, as "Mark Twain's late-life masterpiece"), Powers nevertheless follows the fashion in recent Twain biography by ascribing a profundity to the nihilistic ramblings that Twain's contemporaries never saw. Here there's a hint that Twain was ahead of his time, a forerunner of the nihilistic sages of our own day—a dubious compliment.

This reading causes trouble for Powers on another front, since—again following current fashion—he wants to trumpet Twain's credentials as an "anti-imperialist." For example, in response to China's Boxer Rebellion of 1900—in which churches were destroyed and missionaries and Chinese Christians massacred—Twain said in a speech in November of that year, "I am a Boxer." Powers describes Twain's remark as "an extraordinarily daring reversal in point of view (a famous Caucasian, asserting the identity of a Chinese peasant?!) that anticipated by nearly sixty-three years President Kennedy's anticommunist declaration in West Berlin, 'Ich bin ein Berliner!'"

For some readers, the pertinence of the Kennedy parallel will be obscure; they will be more likely to think of Jane Fonda in Hanoi. But whatever one thinks of Twain's response to the Boxer Rebellion or his more penetrating criticism of America's Philippine war, these protests would be merely ridiculous if we really did inhabit the deterministic universe that Twain in his darkest vein imagined. Powers can't cogently have it both ways: He can't find the deterministic vein of Twain's thought "profound" and at the same time praise him for his moral critique of U.S. policies.

Even in his old age, Twain was not entirely in the grip of misanthropic rage and despair. If he scratched away at satanic fables, he also wrote witty letters to the girls (aged 10 to 14, mostly) who made up what he called his Aquarium Club, until his daughter Clara—fearing that some enterprising journalist would cast the business in a scandalous light—prevailed on him to break off the association. He wined and dined with interesting people, and crossed the Atlantic in 1907 to accept an honorary degree from Oxford University. (Take that, Matthew Arnold.) And his great books remain undiminished, for our instruction and delight. **NR**

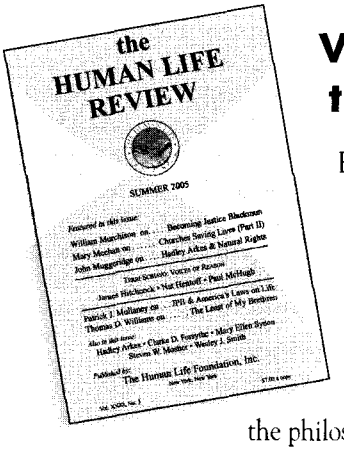
Quiet Hero

The Man Who Knew Too Much: Alan Turing and the Invention of the Computer, by David Leavitt (Norton, 288 pp., $22.95)

ANDREW STUTTAFORD

If you have ever needed reminding of a nation's capacity for ingratitude, the story of Alan Turing ought to do the trick. And if you have never heard of Alan Turing, that only proves the point. Born in 1912 into the cheese-paring and snobbery of Britain's colonial administrative class, Turing emerged from a traditionalist family and

Mr. Stuttaford is a contributing editor of National Review Online.



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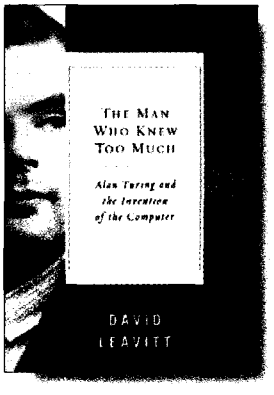
an old-school education with a wild, unorthodox mind, and a record of achievement that establishes him as one of the most important mathematicians of the last century. In not much more than one astonishing decade, this extraordinary individual would not only play a critical part in paving the way for the development of the laptop on which I am now typing, but also, through his wartime code-breaking at Bletchley Park, help ensure that this article didn't have to be written in German. His tragedy, and ours, was that there was too little in the way of an encore. Within a few years of his greatest triumphs, Turing was a convicted criminal, guilty of "gross indecency" with another man, an embarrassment, if not exactly an outcast. Not so long afterwards he was dead, a suicide at 41 with the help of an apple dipped in cyanide.



With the secrecy that surrounded Turing's wartime activities now lifted, the essential facts of his life are well established and more than adequately covered in this new biography. After walking his readers briskly through the early years, David Leavitt presents them with the considerable challenge of Turing's first major work, the catchily named "On Computable Numbers, with an application to the Entscheidungsproblem" (1937), a paper that was, in essence, the blueprint for the modern computer. "Computable Numbers" is, in Leavitt's words, a "curious blend of humbly phrased, somewhat philosophical speculation and highly technical mathematics," something, he concedes, that is "disconcerting" for the "general reader" (that's you and me) since, invariably, easier passages "segue immediately into dense bogs of unfamiliar symbols, German and Greek letters, and binary numbers."

Well, when it comes to navigating those "dense bogs," Leavitt is, in keeping with one of the tasks of this biography (the book is part of Norton's Great Discoveries series, designed "to tell the stories of crucial scientific breakthroughs"), a pretty good guide. As someone confused by an abacus and in awe of a pocket calculator, I admit that my knowledge of computing is, or was, practically zero. After a re-reading or two of the chapters devoted to Turing's "universal machine" and its revolutionary implications, this level of understanding had been raised to somewhere between hazy and confused: no small achievement, and a tribute to Leavitt's powers of explanation.

Leavitt is no less deft in describing Turing's critical role in breaking the Germans' Enigma codes. His writing leaves the mysteries of cryptanalysis less mysterious and, as a result, we can begin to grasp the remarkable intellectual feat involved in Turing's penetration of the secrets of Hitler's Reich. We'll never know how many Allied lives were saved by "the Prof" and his work, or by how many years his effort shortened the war, but Churchill never doubted its importance. Turing and his team were, he wrote, to have "all they want." And so they did. More material rewards were to prove elusive. Stinginess and secrecy meant that the only official recognition of Turing's achievements was a bonus of a few hundred pounds and a rather minor medal. So far as is known, he never complained, and, to the end of his life, Turing kept the secrets of Bletchley Park to himself. He and his colleagues were, said Churchill, "the geese who laid the golden eggs and never cackled."

But there's more to *The Man Who Knew Too Much* than formulae, ciphers, and the click-click-click of the device that savaged Enigma. While his efforts inevitably fall short of the portrait contained in Andrew Hodges's groundbreaking, and epic, biography, *Alan Turing: The Enigma* (1983), Leavitt nevertheless succeeds in drawing a wonderfully vivid picture of his shy, dry, brilliant hero, an eccentric boffin with chaotic, shabby tailoring, uncertain hygiene, an unsettling resemblance to Rudolf Hess, and a yen for long-distance running.

What works less well is Leavitt's tendency to treat Turing's homosexuality as a lens through which his whole life must be seen, sometimes ridiculously so. Thus in discussing a later work, "Intelligent Machinery," a paper focused, as its name would suggest, on the possibility of building a truly "intelligent" machine, Leavitt notes how Turing's strategy of opening with a summary of the views of those who disagreed with him "foreshadows the gay rights manifestos of the 1950s and 1960s, which often used a rebuttal of traditional arguments against homosexuality as a frame for its defense"—a comparison that is both accurate and pointless. A little later, we find "Computing Machinery and Intelligence," Turing's "most famous and in many ways most perverse paper," described as a stew of anxiety over gender and sexuality, a reading that might have surprised Turing, a man comfortable with his sexual identity in a way that was, as so often with him, years ahead of his time.

Perhaps this was inevitable. Norton boasts that Great Discoveries will feature "writers from diverse backgrounds." It's that dodgy word "diverse" that should set the alarm bells ringing and that explains, undoubtedly, why Professor Leavitt, who teaches creative writing and is best known for novels focused on homosexual themes (*The Lost Language of Cranes*, *While England Sleeps*, among others), was chosen to write the biography of a mathematician. The result, ironically, of his approach is somehow to diminish the horror of the unjust laws that largely confined Turing's sex life to an emotional wasteland punctuated by furtive fumblings and discreet trips abroad. Nobody will ever know why he chose to kill himself (there were clear signs that he was going mad), but it's impossible to imagine that the ordeal of prosecution and the humiliation of punishment (in essence, chemical castration) did not play their disgraceful part. That is not enough for Leavitt, who dilutes tragedy with absurdity by suggesting that the way in which Turing (a somewhat obsessive fan of Disney's *Snow White*) committed suicide was designed to deliver an erotically symbolic message: "In the fairy tale the apple into which Snow White bites doesn't kill her. It puts her to sleep until the Prince wakes her up with a kiss."

Oh *please*. **NR**

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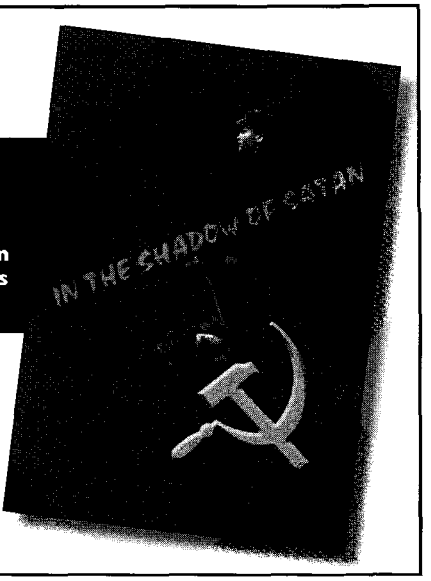

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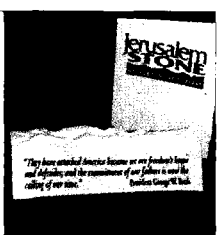

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on the right

WILLIAM F. BUCKLEY JR.

Exit Gene McCarthy

NEW YORK, DECEMBER 13

THE death of Eugene McCarthy marks the end of a cycle and almost certainly the beginning of a new cycle with similar hallmarks. The day McCarthy died, Virginia's popular Democratic governor, Mark Warner, signaled his candidacy for the presidency in 2008, a claim for the support of the Democratic center.

And a group that calls itself "World Can't Wait" (www.worldcantwait.org) announced a campaign to save the United States from George Bush.

Sen. Eugene McCarthy had aspired to be president but, after a while, in a formalistic way. He did run for president in 1968, and by scoring 42 percent in the New Hampshire Democratic primary, drove incumbent President Lyndon Johnson out of the race, and out of town. But he did not himself win the nomination, let alone the presidency.

McCarthy's career was dotted by political disappointments. He had hoped, in 1960, to be named if not presidential candidate, then vice presidential. He delivered the most eloquent nominating address in postwar history, asking the convention to name yet again Adlai Stevenson. This was viewed as an oblique move against Sen. John F. Kennedy.

The Kennedy forces looked on, unamused. They weren't afraid of McCarthy, whose oratorical cadenza was dazzling, but was not seriously challenging to the prescribed outcome of the Los Angeles convention, which was Kennedy-bound. But there was some worry that McCarthy's oratory might have the effect of suggesting that the nomination of Kennedy had nothing whatever to do with democratic idealism, quickly confirmed by the choice of LBJ as running mate.

Eight years later JFK was dead and the Vietnam War was raging. Eugene McCarthy went up to New Hampshire to see what he could do to egg history on. He did a great deal, precipitating the withdrawal of President Johnson. But that's as far as it went.

The restless, demanding tone of dissatisfaction expressed today by the radical Left with such candidacies as Mark Warner's was prefigured in the *Village Voice* in 1968. There, Jack Newfield, an ardent and exasperated ideological interventionist, wrote about McCarthy: "Let the unhappy, brutal truth come out. Eugene McCarthy's campaign is a disaster. It has been run as if King Constantine was the manager. McCarthy's speeches are dull, vague, and without either [life] or poetry. He is lazy and vain."

What to do? "Start organizing now for disruption of the Democratic Convention in Chicago next August."

That—disruption—is the goal, almost 40 years later, of the World Can't Wait people. In their full-page advertisement they announced a "State of the Union Emergency," and are calling for demonstrations after the State of the Union address by President Bush in January.

They wish to unseat President Bush for his "murderous and utterly illegitimate war in Iraq," for "openly torturing people," for working for the establishment of "a theocracy," and for enshrining "greed, bigotry, intolerance and ignorance."

"People look at all this and think of Hitler—and they are right to do so. The Bush regime is setting out to radically remake society very quickly, in a fascist way, and for generations to come."

Who endorses such stuff? The homeless radicals, of course (Queers for Economic Justice, the National Lawyers Guild). But also a few recognizable names: Jane Fonda, Jonathan Kozol, Grace Paley, Studs Terkel, Gore Vidal, Kurt Vonnegut, Alice Walker. Roughly speaking, the surviving cadre of people who deplored McCarthyism. It is wrong to accuse fellow Americans of being soft on Communism, but okay to accuse them of being soft on Hitler.

The Mark Warners in the Democratic party will probably prevail, as Hubert Humphrey prevailed over the insurgencies of Eugene McCarthy and George McGovern. But in 1968 the play was set with tight schedules. New Hampshire to the national conventions to Election Day was nine months. The comparable schedule this time around will take almost two years—from Bush's State of the Union address to Election Day 2008. Can the world wait?

On the Whole, Well Done

NEW YORK, DECEMBER 20

IF a high government official pleaded the authority of the Bible as reverentially as is now routine in citing the authority of the Constitution, he'd be had up for idolatry. One way to vest mystique into the Constitution is to plead its inscrutability, or else suggest that only the high priests of the legal profession are equipped to interpret it.

The secretary of state informed Tim Russert no fewer than four times on *Meet the Press* that she was not a lawyer. The clear purpose of making that point, in that way, was to suggest that the non-anointed can't responsibly interpret the Constitution's provision describing executive duties and prerogatives. That's nonsense, and since Condoleezza Rice is a very smart lady, one had to acknowledge that she simply did not want to argue the meaning of Article II of the Constitution. She didn't want to be the first secretary of state to pass down word that it's okay for a president to bug your phone because that's what the Constitution says!

Well. All that Article II does say is that the president is to be the commander in chief of the armed forces, that he can order subordinates to account for themselves, and that he can pardon them if they trespass on the law. Conjugate that as you like, but we all know (Tim Russert certainly knows) that you will find lawyers arguing that what the president had most recently done is unconstitutional, and lawyers who will say the opposite.

Derivative questions immediately came up. Why didn't Mr. Bush, in exercising the authority he claims inheres in the office, go through the procedurally reassuring step of asking officials of other

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branches of government for their compliant approval of what he was doing?

The president handled those questions at his press conference on Monday. On the matter of consulting somebody in the court system, he said the reason he hadn't done so was the need for total secrecy. The slightest hint of what he was up to, he said, could have had the effect of undermining the entire enterprise. Could the president give an example of how the new interceptions had worked in just such a way, to abort terrorist attacks?

No, the president said. To do any such thing would be immediately to compromise an operation, tipping off an incumbent Osama to what we were doing.

But what about a constitutional responsibility to elicit congressional approval of extraordinary applications of the authority of commanders in chief? Why didn't he tell Congress?

The president loved that question, and several times told the press that he had in fact informed congressional leaders no less than a dozen times since he began the disputed process. It is left for the press to inquire why the legislators who knew about the practice didn't raise their voices to object. Their answer is easily predictable. They did not object for the same reason that the president would not disclose what he was up to publicly: to do so would have been to jeopardize the success of a continuing tactical operation.

Why didn't the president call on a judge to stamp his approval on a proposed phone interception? During the day, historic and extraordinary figures were revealed. Since 1979, the executive has petitioned the courts to authorize 19,000 telephone interceptions. Permission has been granted in all but five instances. Curiosity turns on which five projected buggings the courts said no to, and how many trysts were saved for the day.

What is a reasonable verdict from a conservative/libertarian on what happened?

(1) The president did his job of attempting to outmaneuver the enemy.

(2) The press may have overdone its interceptive curiosity, but it performed the function of a free press.

(3) The legislative arm yielded to the demands of national security.

(4) The courts, acknowledging a natural division of responsibilities, stayed away.

Praiseworthiness

NEW YORK, DECEMBER 30

In this season we are encouraged to express our reverences. Not as specifically as on the Fourth of July, or on the birthdays of national leaders passed on. It is something of the human disposition, if not exactly to doubt, at least to be patient of doubt. Skepticism, it is sometimes called, and we are urged to reflect that skepticism brings on curiosity; curiosity, an alteration of accepted ways and of accepted solutions.

Continued impatience with physical actualities harnesses man's efforts to overcome them. We accepted the immutability of the laws of gravity even when we discovered means of defying them in flight. But we do not attempt to repeal gravity, to which—this being the lesson of the season—we liken patriotism. The love of country. Patriotism can attenuate, and defective patriotism isn't instantly punished. But we can, and should, detect it when it rises to the level of a challenge to the great moorings of life, as when one hesitates, on our country's holy days, to pay obeisance to what we have.

A recent issue of *Time* speaks of iconoclasm on the subject of Joseph of Nazareth. What do we "know" about him, never mind that we revere him as the husband of Mary and the custodian of the Christ child? Not much, is the answer to that question. Columnist Bill Toland plays it out further: "Joseph's appearance in the New Testament was practically a cameo walk-on: His death was never recorded, his age was never certain, and John's gospel barely mentions him. Our knowledge of the carpenter father is so limited that we are not certain whether he even attended the birth of Jesus or, as some artists have imagined it, whether he napped through the whole event."

The language here betrays the lure of impiety. And it is a cognate temptation, in dealing with figures in the secular world. Sometimes there are cameras on hand to egg skepticism on. No one can ever question the truth of it, that sometimes President Reagan's eyes closed at high theatrical moments in history.

What irks, and even grieves, is when the motives of the commentator are detectable as agents of greater designs than merely to touch on amiable eccentricities. The writer who wonders out loud whether Joseph slept through the birth of Christ is fondling a skepticism that seeks not so much humanizing, as desanctification. *Time* reports on the shifting views of Joseph over time. He was initially seen as "the chaste caretaker," but it was not long before he was portrayed as "the alienated cuckold." In the late Middle Ages he became "the adoring protector . . . the paternal model for what would eventually be called the nuclear family," and now he is the "modern-day evangel," a "lunch-pail hero not born to holiness but who, by his hard-won and steadfast belief, finds a role in salvation."

It has to be true that reverence discourages trivializations, and that to consent to such as have recently been traded about Joseph encourages an exploration of the meaning of impiety. In some societies, impiety was punishable by death. The thinking was that the society's gods would take offense at slights and punish them by corporate displeasure, for instance the visitation of a plague.

But impiety is not merely the violation of the command against taking in vain the name of our Lord. It is also the denigration of holy things, and not only those which are housed with altars and organs. To mention the saints of modern liberty without any sign of appreciation is an impiety that casts doubt on one's care about freedom, and the deference owed to man because he is God's creature.

A retreat from the lure of doctrinal skepticism tells us about the long, effective reach of human grace. The scholar Howard Edington, who is also a Presbyterian minister, is quoted at the end of *Time*'s feature on Joseph. Edington wrote, "Joseph took God's son into his heart, thus discovering a purpose for his own life within the greater purposes of God." Then Edington concludes, in words many Christians might echo, "My prayer is that you will do the same."

—Universal Press Syndicate

"I told you my wife would kill us!"

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happy warrior

MARK STEYN

Lightening Up

It was a good start to the year for Sgt. Leslie Turner, who was awarded 30,000 pounds in an out-of-court settlement after suing Scotland Yard. Sergeant Turner was the first black officer in London's Metropolitan Police to be made a royal bodyguard. It was his job to guard HRH the Duchess of Cornwall—that's Camilla, the Prince of Wales' new missus, though in some sort of Britannic Teresa Heinz–type arrangement she doesn't use the moniker "Princess of Wales." Anyway, Sergeant Turner ceased being a royal bodyguard last spring and subsequently brought his suit for "racial discrimination." Here's the wrinkle: He claims he was overpromoted only because he was black.

If he'd been a white copper, he'd have been given a job commensurate with his abilities and he'd have done it fine and been happy in his work. Instead, because he had the misfortune to be a black copper, his politically correct superiors singled him out for a job for which he was unqualified, thus leading to misery and dissatisfaction. In discriminating in favor of him because he was black, they in effect discriminated against him, also because he was black. That, at any rate, is what his lawyer argued, and it worked.

With hindsight, it seems amazing that no such case has yet been brought in this great Republic, where "affirmative action" is so much more advanced. Jesse Jackson's Rainbow-PUSH could have a sister Rainbow-PULL organization: twice the shakedowns! One week you're jumpin' up and down outside Texaco or Wal-Mart shouting, "No Justice, No Peace," because they're not promoting enough blacks. Then, a month later, you're back demanding they cease overpromoting blacks: "No Demotion, No Peace." And the settlement wouldn't be a footling 30,000 quid, either.

So racial discrimination has now reached the blissful state of global warming: As the eco-crowd solemnly warns us, if it's too hot, that's a sign of global warming; if it's too cold, that's also a sign of global warming. If you've got too few blacks in senior management, you're a racist; if you've got too many blacks in senior management, you're also a racist.

Occasionally I get asked by a reader what it will take to finally scuttle contemporary Western progressivism. And, having mulled it over for a few years, I'm convinced the Left will be done in by its humorlessness. Aside from those employed by the grievance-mongering industry, I don't believe there's many people who can read a report that affirmative action discriminates against black people without having a massive guffaw along the way. And that's the problem: There's gazillions of people who are

Dino knew how to laugh.

pro–affirmative action, pro-abortion, pro-environment, pro-"peace," pro–pretty much the entire lefty agenda, but they're also pro–having a laugh, and that's increasingly difficult when the Left requires you to take everything so seriously.

For example, the other morning I found a ton of e-mails in my in-box from aggrieved lefties citing a small Associated Press story called "Bush Awards 9 Purple Hearts to U.S. Troops" as evidence of how much neocon draft-dodging chickenhawks hate the troops. It seems the president had a visible scar on his forehead and made a throwaway self-deprecating reference to it. "As you can probably see, I was injured myself," he said, "not here at the hospital but in combat with a cedar. I eventually won." "I continue to fail to see how any soldier, anywhere, can stand this man, who repeatedly trivializes who they are and what they do," huffed the blogger at No Capital. "To his sociopathic mind, that brush scratch = an injury sustained in Iraq," raged another.

It's a good rule of life not to get stuck in the role of the guy saying, "That's not funny, okay?" I picked up a copy of the *Globe and Mail* in Montreal a week ago, and found a big story headlined, "Why Are Liberals Laughing? *Brokeback Mountain* has unleashed another round of lame—and homophobic—jokes, writes Liam Lacey."

And he does, exhaustively. He doesn't like Jay Leno joking about Sir Elton and his new groom honeymooning on *Brokeback Mountain*, or Craig Ferguson in cowboy get-up describing one gun as "great" and the other as "fabulous," or the *Saturday Night Live* synopsis of the film ("For once, the good guys get it in the end"), or Letterman's Top Ten Signs You're a Gay Cowboy ("Instead of a saloon, you prefer a salon …"), or Nathan Lane's musical version (*Oklahomo!*).

Read 'em and weep along with poor Liam Lacey. "A tragic love story about the consequences of bigotry, *Brokeback Mountain* is a liberal cause célèbre … Here is the movie that affirms the entertainment industry's reputation for tolerance and social progress. But it's followed all-too-quickly by the side-of-the-mouth wisecracks."

And we can't have that, can we? I'm reminded of Dean Martin's old gag, "How do you make a fruit cordial?" Wait, never mind … Whatever their merits, these jokes aren't "homophobic." They're not "afraid" of gayness, they just think it's a hoot. If I were Camille Paglia, I'd argue that the very lameness of the gags is in a sense subverting their intent, transforming them into an ironic comment on the lumpen insecurity of hetero-defensive male culture.

But, as I'm not, I'll just say that, a few years ago, the idea that the Left could make homosexuality as plonkingly earnest and solemn as feminism would have seemed incredible. If Cole Porter came back today, he'd be straight. For the culture to exempt certain groups from being the butt of the joke is one of the cruelest things you can do to anyone. If I were gay, I'd get Sergeant Turner's lawyer and sue over it. **NR**

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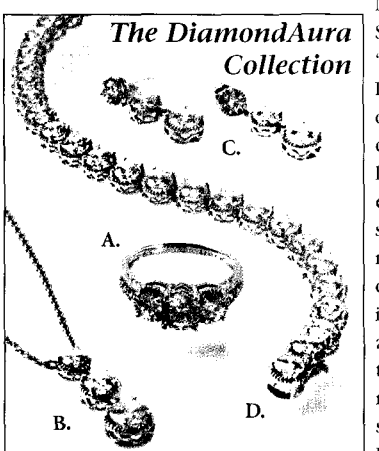

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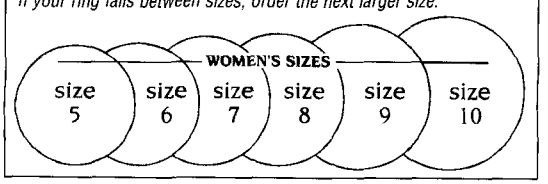

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The risks of nuclear energy are widely exaggerated, and these risks must in any event be balanced against geopolitical and environmental risks from relying on fossil fuels. The time has come, I have concluded, to follow the example set by other countries and remove the many unnecessary regulatory obstacles to the building of additional nuclear power plants.

—Gary Becker

How Can We Reform Our National Security System?

By letting the White House call the shots

In our national security system as it now stands, policymaking has become a process of bureaucratic competition and negotiation, rather than direction and management. Every meeting to coordinate policy delays action, every compromise to accommodate one department or another, waters down decisive action. Day by day, national security policy is smoothed down to the lowest common denominator.

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—Bruce Berkowitz and Kori Schake

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